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Description of document: Department of Homeland Security (DHS) Weekly FOIA Activity Reports, 2009-2010

Requested date: 02-November-2010

Released date: 24-May-2011  
02-June-2011

Posted date: 27-June-2011

Titles of documents: "FOIA Activity for the Week of..."

Date/date range of documents: 26-June-2009 – 31-December-2010

Source of document: U.S. Department of Homeland Security  
Privacy Office  
Director, Disclosure & FOIA  
245 Murray Drive SW, Building 410  
STOP-655  
Washington, D.C. 20528-0655  
Fax: 703-235-0443  
E-mail: [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)

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# Homeland Security

May 24, 2011

Re: **DHS/OS/PRIV 11-0160**

This is the first interim response to your November 2, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) for a copy of each submission by DHS components to the Privacy Office of significant FOIA activities, to include records that were created/dated between July 2009 and the present. This office received your request on November 9, 2010.

To date, we have completed our review of 82 pages for documents responsive to your request. I have determined that 68 pages of the records are releasable in their entirety and 14 pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(6), FOIA Exemption 6.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination; however, we do request that you hold any appeals in abeyance pending the issuance of our final response. Your agreement to do so will have no affect on the adjudication of your appeal. Should you wish to do so, 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 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](http://www.dhs.gov/foia).


Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because you have been granted a blanket waiver of fees, there is no charge associated with this response.



Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because you have been granted a blanket waiver of fees, there is no charge associated with this response.

We appreciate your patience as we continue to process your request. If you need to contact our office again about this matter, please refer to **DHS/OS/PRIV 11-0160**. This office can be reached at 703-235-0790.

Sincerely,



Eric Neuschaefer  
FOIA Program Specialist

Enclosures: As stated, 82 pages



Homeland  
Security

June 2, 2011

**Re: DHS/OS/PRIV 11-0160**

This is the final response to your November 2, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) for a copy of each submission by DHS components to the Privacy Office of significant FOIA activities, to include records that were created/dated between July 2009 and the present. This office received your request on November 9, 2010.

My previous partial release addressed the first 82 pages reviewed in response to your request. To date, we have completed our review of an additional 301 pages. Of those pages, I have determined that 256 are releasable in their entirety, and 45 pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(3), (b)(6), and (b)(7)(C) FOIA Exemptions 3, 6, and 7C.

FOIA Exemption 3 protects information specifically exempted from disclosure by another statute, if the statute (A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph. Section 114(r) of title 49, United States Code, exempts from disclosure SSI that "would be detrimental to the security of transportation" if disclosed. The TSA regulations implementing Section 114(r) are found in 49 CFR Part 1520.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity.

That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

You have a right to appeal the above withholding determination. Should you wish to do so, 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 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](http://www.dhs.gov/foia).

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because you have been granted a blanket waiver of fees, there is no charge associated with this response.

If you need to contact our office again about this matter, please refer to **DHS/OS/PRIV 11-0160**. This office can be reached at 703-235-0790.

Sincerely,

A handwritten signature in dark ink, appearing to read "Eric Neuschaef", with a stylized flourish at the end.

Eric Neuschaef  
FOIA Program Specialist

Enclosures: As stated, 301 pages

Department of Homeland Security FOIA Activity Reports  
26-June – 24-December-2009



## FOIA Activity for the Week of June 26 – July 2, 2009

### Privacy Office

July 6, 2009

### Weekly FOIA Report

#### I. Efficiency and Transparency

- Steps taken to increase transparency and make forms and processes used by the general public more user-friendly particularly web-based and FOIA related items
  1. NSTR

#### IV. Legal Issues

- FOIA requests:

1. On June 26, 2009, **Kate Brumback**, a reporter for the *Associated Press*, in Washington, D.C, requested from U.S. Immigration and Customs Enforcement (ICE) information related to a former detainee at the Stewart Detention Facility in Lumpkin, Georgia, who passed away during a stay at a hospital in Columbus, Georgia, while in custody on March 11, 2009.
2. On June 26, 2009, **John Greenwald**, an individual from Northridge, California, requested from United States Citizenship and Immigration Services (USCIS) all documents related to Operation Distant Shore.
3. On June 29, 2009, **M. Eleonor Ignacio**, a representative of **Schiff Hardin, LLP**, in New York, New York, requested from the United States Coast Guard (USCG) visual images of the World Trade Center, 7 World Trade Center, and the Con Edison substation including those taken on September 11, 2001, and the days following.
4. On June 29, 2009, **Mike McGraw**, a reporter for *The Kansas City Star*, in Kansas City, Missouri, requested from U.S. Immigration and Customs Enforcement (ICE) documents related to the Office of Detention and Removal Operations (DRO) Flight Operations Unit dated in the past two years. Specifically, Mr. McGraw requested information pertaining to the costs of the Flight Operations Unit, as well as records regarding ICE concerns about the Aviation Resource Management Survey and the Cabin Security Crew Policy & Procedures Manual.
5. On June 30, 2009, **Adam Broder**, a representative of the **Democratic Congressional Campaign Committee**, in Washington, D.C, requested from the Department of Homeland Security (DHS) all correspondence between DHS and Congresswoman Dana Rohrabacher (R-CA) and her staff.
6. On June 30, 2009, **Charles Jennings**, an individual from Peekskill, New York, requested from the Department of Homeland Security (DHS) a copy of raw data sets from the SAFECOM National Interoperability Baseline Survey, published in December of 2006.
7. On June 30, 2009, **Adam Rappaport**, Senior Counsel for *Citizens for Responsibility and Ethics in Washington*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records dating from January 1, 2004, to the present that mention nor relate to the National

Institute for Hometown Security (NIHS), to specifically include work product provided to DHS, and all records related to the effectiveness of NIHS.

8. On June 30, 2009, **Mike McGraw**, a reporter from *The Kansas City Star*, in Kansas City, Missouri, requested from United States Citizenship and Immigration Services (USCIS), all correspondence from attorneys representing applicants for "T" visa status covering the last three years.
9. On June 30, 2009, **Timothy Kehrer**, a representative from the **Democratic Senatorial Campaign Committee** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) all correspondence between USCIS and the following Senators: Michael Bennet (D-CO), Robert Bennett (R-UT), Barbara Boxer (D-CA), Jim Bunning (R-KY), Richard Burr (R-NC), Christopher Dodd (D-CT), Kirsten Gillibrand (D-NY), Blanche Lincoln (D-AK), Harry Reid (D-NV), Arlen Specter (D-PA), and David Vitter (R-LA).
10. On July 1, 2009, **Jace Larson**, Investigative Reporter with *9NEWS, K\*USA-TV* in Denver, Colorado, requested from the Department of Homeland Security (DHS) all publically releasable details of airline tickets purchased from January 1, 2009, to present for employees based in the Denver metro area, to include: date of ticket purchase, date of air travel, price/amount paid, fare code of purchased ticket, flight departure, transfer and arrival cities, carrier, purpose of trip, name of traveler & name of agency, and other releasable information about travel.
11. On July 1, 2009, **Jeffrey Richelson**, an individual from Los Angeles, California, requested from the Department of Homeland Security (DHS) the DHS analysis of the implication of the Posse Comitatus Act on the operation of the National Applications office. The Posse Comitatus Act limits the Federal Government's ability to use the military for domestic law enforcement.
12. On July 1, 2009, **Howard Berkes**, a representative of *National Public Radio (NPR)*, in Washington, D.C., requested from the United States Secret Service (USSS) any and all records pertaining to the following: 1) all threats made against the President of the United States beginning January 20, 2009, and continuing through the most recent date for which such records are available, 2) records relating the seriousness of any threats made against the President of the United States beginning January 20, 2009, and continuing through the most recent date for which such records are available, 3) the outcome of any cases or investigations involving threats made against the President of the United States beginning January 20, 2009, and continuing through the most recent date for which such records are available, 4) any and all threats made against President George W. Bush during his presidency, 5) records relating the seriousness of any threats made against the President George W. Bush during his presidency, and 6) the outcome of any cases or investigations involving threats made against President George W. Bush during his presidency.

Late Entry

13. On May 4, 2009, **David E. Cole**, an individual from Bedford, Texas, requested from the United States Coast Guard (USCG) information related to a change in statute, regulation or policy whereby OSHA became the lead agency in investigating a marine casualty which is cognizable to the Coast Guard under 46 CFR 4.

- **Lawsuits:**

14. A new action was filed against USCIS captioned *Hye Young Kim. V. Janet Napolitano, et al.*, US District Court for the District of Columbia. Action involves failure to respond to a FOIA request within the 20-day statutory time limit. FOIA Operations is in the process of drafting a declaration for the action.



**FOIA Activity for the Week of July 3 - 9, 2009**  
**Privacy Office**  
**July 13, 2009**  
**Weekly FOIA Report**

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

- NSTR.

**II. FOIA requests**

- On July 6, 2009, **Jeffrey Richelson**, an individual from Los Angeles, California, requested from the Department of Homeland Security (DHS) the review, conducted by Under Secretary of Intelligence and Analysis Bart Johnson, of the National Applications Office.
- On July 6, 2009, **Joseph Zakhary**, an attorney for **Robinson Burns, LLC**, in Bridgewater, New Jersey, requested from the Department of Homeland Security (DHS) all records relating to the investigation into (b)(6) to specifically include investigation records relating to potentially stolen merchandise stored at the (b)(6) warehouse belonging to the U.S. Army and the U.S. Navy.
- On July 7, 2009, **Kate Purcell**, president of **Docutrieval Information Services**, in New York, New York, requested from the Department of Homeland Security (DHS) the interagency agreement between the Federal Emergency Management Agency (FEMA) and the Department of Transportation to improve the Lower Manhattan transportation system cited in the August, 2003 GAO report titled *Disaster Assistance Information on FEMA's Post 9/11 Public Assistance to the New York City Area*.
- On July 8, 2009, **Jesse Franzblau**, a representative of the **National Security Archive**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records pertaining to "Project Gunrunner," a program initiated in 2006 by the Bureau of Alcohol, Tobacco, Firearms, and Explosives to address the increasing violence and arms trafficking occurring along the Mexico-U.S. border.
- On July 8, 2009, **Timothy Kehrer**, from the **Democratic Senatorial Campaign Committee** located in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), all direct correspondence between United States Citizenship and Immigration Services and the following Members of the House of Representatives: Roy Blunt (R-MO), Mike Castle (R-DE), Dean Heller (R-NV), Paul Hodes (R-NH), Peter T. King (R-NY), Mark Kirk (R-IL), Ron Klein (R-FL), Charles Melancon (R-LA), Robert Simmons (R-CT) and Patrick J. Toomey (R-PA).
- On July 9, 2009, **Daniel Mordarski**, an attorney from Columbus, Ohio, requested from the Department of Homeland Security (DHS) all records related to (b)(6), to specifically include records pertaining to a software program call Evidence Eliminator.



### **III. FOIA releases**

- NSTR.

### **IV. FOIA litigation**

- NSTR

## FOIA Activity for the Week of July 10 - 16, 2009

### Privacy Office

July 20, 2009

### Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- Immigration and Customs Enforcement (ICE) recently made significant enhancements to its FOIA Reading Room. New information is posted to the reading room on a weekly basis. During the week of July 13, 2009, ICE posted four government contracts, five 287(g) audits, and 11 detention facility audits.
  - U.S. Citizenship and Immigration Services (USCIS) is furthering its backlog reduction effort by revisiting procedures for handling requests where the associated files cannot be located ("lost files"). In the past, lost files were carried in the USCIS FOIA tracking system for a period of 12 months, with the FOIA request remaining open. USCIS is considering reducing this time period to 9 months, at which time the FOIA request will be closed with a notation that USCIS is unable to locate the file associated with the request.
  - U.S. Citizenship and Immigration Services (USCIS) is currently reviewing a draft call center guide which, when put into use, will help assure consistency of response as well as act as a reference guide for the most frequently asked questions.
- II. FOIA requests**
- On July 10, 2009, **Byron Harris**, a journalist working *WFAA-TV* in Dallas, Texas, requested from United States Citizenship and Immigration Services (USCIS) the number of H-2B petitions applied for and granted to San Antonio Aerospace and Mobile Aerospace Engineering for the last five years.
  - On July 14, 2009, **Tegan Millspaw**, a representative of **Judicial Watch** in Washington, D.C., requested from the Department of Homeland Security (DHS) records related to the new standardized Memorandum of Agreement to enter into 287(g) partnerships, as announced by Secretary Napolitano on July 10, 2009.
  - On July 14, 2009, **Omar Jadwat**, a representative of the **American Civil Liberties Union (ACLU)**, in New York, New York, requested from the Department of Homeland Security (DHS) copies of the eleven new Memorandums of Agreement referenced in the July 10, 2009, DHS press release regarding the new standardized 287(g) Memorandum of Agreement.
  - On July 14, 2009, **Jenny Small**, researcher from **Judicial Watch** in Washington, D.C. requested from United States Citizenship and Immigration Services (USCIS) records detailing correspondence or

communication with any element of American Community Organizations for Reform Now. She has also requested any funding or grant records, policy records and third-party communications or correspondence concerning ACORN.

- On July 14, 2009, **Niloufer Bustani**, an individual from Murphy, TX, requested from United States Citizenship and Immigration Services (USCIS) records providing the number of pending Adjustment of Status (AOS) applications in all the employment based categories EB1, EB2, EB3, EB4, and EB5 for each India, China, Mexico, Philippines and the rest of the world dating from January 2001 to present.
- On July 14, 2009, Mr. Scott Learn of *The Oregonian* in Portland, Oregon, requested from the United States Coast Guard (USCG) several investigations based out of Sector Portland in addition to reports by Sector Portland or other Coast Guard units of tank barge movements and maritime incidents related to fuel tank barges in the Columbia and/or Snake River.
- On July 15, 2009, **Mr. Frank Hinchey** of *Ohio Outdoor News* in Delaware, Ohio, requested from the United States Coast Guard (USCG) the report of investigation concerning a fatal boating accident that occurred on September 3, 2007, in Lake Erie.
- On July 15, 2009, **Hillel Italie**, of the *Associated Press* in New York, New York, requested from Immigration and Customs Enforcement (ICE) all records pertaining to Michael Jackson.
- On July 15, 2009, **Mark Plager**, an attorney for **Plager & Schack, LLP**, in Huntington Beach, California, requested from the Department of Homeland Security (DHS) all records submitted by the State of California in support of their Fiscal Year 2009 Emergency Management Performance Grants (EMPG).

#### Late Entry

- On June 29, 2009, **Bruno W. Katz**, a representative of **Shea, Stokes, Roberts & Wagner** in San Diego, California, requested from the United States Coast Guard (USCG) documents related to the Report Under Federal Military Whistleblower Protection Act filed by (b)(6) on October 22, 2007, to include the status of the complaint, and documents produced by the Coast Guard Investigative Service regarding the complaint.

### III. FOIA Releases

- NSTR

### IV. Lawsuits:

- *WildEarth Guardians vs. US Federal Emergency Management Agency*, in which WildEarth is challenging FEMA's response to their FOIA request

within the twenty day time limit. The initial response has been released to requester on July 10, 2009. The second release is on target for July 24, 2009.



## FOIA Activity for the Week of July 17 - 23, 2009

### Privacy Office

July 27, 2009

### Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- The Federal Emergency Management Agency (FEMA) announced plans to prepare FAQ's for FOIA requesters, which will be posted on the FEMA website.
  - Immigration and Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services (USCIS) instituted an agreement to facilitate the electronic referral of records, significantly reducing agency costs. USCIS refers 1,500 pages of records to ICE approximately three times per month. In the past, these records were transmitted in hard-copy via the U.S. Postal Service. Through the new agreement, these records are now transmitted electronically via e-mail, which is expected to save approximately \$39,826.00 annually. The savings include \$520.00 in paper costs, \$900.00 in postage, and \$600.00 in printer toner annually. In addition, previously one GS-9 Employee was assigned to receive, electronically scan, and log-in all referrals received from USCIS on a full-time basis. Because all referrals are now electronic, the GS-9 Employee now spends only 25% of his/her time receiving and logging-in referrals from USCIS for an estimated savings of \$37,806.
- II. FOIA requests**
- On July 17, 2009, **Eric Chelini**, a representative of **Golden State Renaissance Ventures** in Oakland, California, requested from United States Citizenship and Immigration Services (USCIS) copies of the application for regional center proposal for the Bay Area Regional Center.
  - On July 17, 2009, **Jason Noble**, a reporter for ***The Kansas City Star*** in Kansas City, Missouri, requested from the United States Coast Guard (USCG) documents related to the boarding safety inspection of the vessel PIPE DREAM between July 3 through 5, 2009, at the Lake of the Ozarks in Missouri, to include information on the owner of the vessel and a guest on the vessel.
  - On July 20, 2009, **Omar Jadwat** of the **American Civil Liberties Union (ACLU)** and **Tegan Millspaw** of **Judicial Watch** requested from Immigration and Customs Enforcement (ICE) a copy of the new standardized 287(g) Memorandum of Agreement (MOA) referenced in a July 10, 2009, Department of Homeland Security (DHS) press release. In addition, Mr. Jadwat requested

copies of eleven new Memorandums of Agreement also referenced in this July 10<sup>th</sup> press release.

- On July 20, 2009, **Tricia Herzfeld** of the **American Civil Liberties Union (ACLU)** requested from Immigration and Customs Enforcement (ICE) correspondence that was the basis for a newspaper article published in the *Tennessean* on June 22, 2009, referencing an ICE policy or directive relating to the release of certain detained non-citizens. Ms. Herzfeld also requested any policy, directive, e-mail or other correspondence or memoranda between ICE and the Davidson County Sheriffs Office relating to bed space issues, prioritizing cases of criminal aliens, or discussions of the option to release detainees on their own recognizance created since April 15, 2007.
- On July 21, 2009, **Donald Glassman**, an individual from New York, New York, requested from United States Citizenship and Immigration Services (USCIS) statistical information regarding I-360 petitions for the last five fiscal years.
- On July 21, 2009, **Tegan Millspaw**, a representative of **Judicial Watch**, in Washington, D.C., requested from the Department of Homeland Security (DHS) records of communications for DHS Secretary Janet Napolitano, Border Security “Czar” Alan Bersin, DHS Chief of Staff for Policy Noah Kroloff, DHS Spokesman Sean Smith, Deputy Assistant Secretary for Policy Esther Olavarria, Assistant Secretary for ICE John Morton, ICE Chief of Staff Suzie Barr, and White House Director of Intergovernmental Affairs John Morton pertaining to the new standardized Memorandum of Agreement 287(g) announced by Secretary Napolitano on July 10, 2009.
- On July 21, 2009, **Marcia Hofmann**, a representative of the **Electronic Frontier Foundation**, in San Francisco, California, requested from the Department of Homeland Security (DHS) all complaints from travelers made to the DHS Traveler Redress Inquiry Program (DHS-TRIP) concerning passenger pre-screening, to include agency communications leading to the resolution of such complaints, and agency follow-up or formal response to individuals submitting such complaints.
- On July 21, 2009, **Scott Amey**, General Counsel for the **Project on Government Oversight**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all agency records relating to The Charles Group, LLC, to specifically include records originating or flowing to the Office of Counternarcotics Enforcement (DHS-CNE).
- On July 22, 2009, **J. Alexander Nicholson**, a representative of **Service Members United**, in Washington, D.C., requested from the United States Coast Guard (USCG) documents related to the total number of Coast Guard service personnel separated from the



service under the "Homosexual Conduct Policy" from January 1, 2009, through June 30, 2009.

- On July 23, 2009, **Steven Emerson**, president of **SAE Productions**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all agency records provided to the plaintiff attorneys in a pending law suit in the Federal Court of New York regarding the Terrorist Attacks of September 11, 2001, case number SDNY 03 MDL 1570.

### III. FOIA Releases

- On May 8, 2009, **Martha Mendoza** of the **Associated Press** requested from Immigration and Customs Enforcement (ICE) reports that contain the ICE Office of Professional Responsibility's (OPR) annual reports for 2005, 2006, 2007 and 2008; the aggregate number of OPR investigations into allegation of misconduct involving ICE employees for 2005, 2006, 2007, and 2008; and 3. Summary findings of OPR investigation into employee misconduct for 2005, 2006, 2007 and 2008. On July 20, 2009, a response was sent to the requester indicating OPR does not create annual reports. Records released provided statistical data on misconduct and criminal allegations filed against ICE staff.
- On May 12, 2009, **Vanita Gupta** of the **American Civil Liberties Union (ACLU)** in New York, NY, requested from Immigration and Customs Enforcement (ICE) copies of records pertaining families detained at the T. Don Hutto Facility in Taylor, Texas. On July 20, 2009, a response was sent to the requester consisting of charts listing the number of families, the number of family members, their countries of origin, their admission dates, and their release dates. The data provided was listed between May, 2006 and June, 2009.
- On July 21, 2009, the Office of Inspector General (OIG) released to **Carl Malamud**, of **Public.Resource.org**, 12 pages of invoices which reflect OIG's payment for access to PACER, a service providing on-line access to court records and documents nationwide. Certain information was withheld pursuant to FOIA Exemption 2.
- On November 20, 2008, **Mark Heller** of the **National Immigrant Justice Center** requested from Immigration and Customs Enforcement (ICE) (1) All written procedures used to identify the need to establish an Intergovernmental Service Agreement (IGSA) in a particular area; (2) All written standards for IGSA's; (3) All written procedures designating officials with authority to establishing an IGSA for detention and related services; (4) Any studies of detention strategy done since January 1, 2004; and (5) IGSA's for 17 different facilities. A response was sent to the requester on July 22, 2009 which included the standards and

operating procedures used in developing IGSA's as well as copies of 17 separate IGSA's.

- On July 23, 2009, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to *The Washington Times* eight pages of Congressional correspondence. Certain information withheld pursuant to FOIA Exemption 6.
- On July 24, 2009, **Michelle Roberts** of the **Associated Press** in San Antonio, TX requested from Immigration and Customs Enforcement (ICE) documents that show all costs associated with the Mira Loma Detention Center, the South Texas Detention Complex, and the Stewart Detention Center. The response included an Excel spreadsheet listing the total annual costs since 2001 and the bed-day rates associated with each detention facility.

#### IV. Lawsuits:

- WildEarth Guardians vs. US Federal Emergency Management Agency, in which WildEarth is challenging FEMA's response to their FOIA request within the twenty day time limit. The initial response has been released to requester on July 10, 2009. We are preparing a final response to FEMA 09-284 and 09-286, today, July 24, 2009.
- Ochoa v. DHS, U.S. District Court for the District of Columbia, Civil Action No. 08-1041 (EGS). On July 21, 2009, the judge granted ICE's motion to dismiss. Plaintiff sought amendment of records under the Privacy Act
- Citizens for Responsibility and Ethics in Washington (CREW) filed a complaint for injunctive and declaratory relief against DHS on July 22, 2009, in connection with a FOIA request submitted to the U.S. Secret Service (USSS), dated June 22, 2009, requesting records of visits by certain healthcare executives to the White House Complex and/or the residence of the Vice President from January 21, 2009, to the present. In response to that FOIA request, USSS sent to CREW a "litigation pending" letter dated July 7, 2009. CREW alleges that DHS violated the FOIA in its failure to respond to CREW's expedited request for records, and seeks injunctive relief ordering DHS to process immediately the requested records. CREW filed a first amended complaint on July 24, 2009, which also seeks to "enjoin DHS from its pattern and practice of unlawfully treating all records of White House visits as presidential, not agency, records outside the scope of the FOIA."



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of July 24 - 30, 2009**  
**Privacy Office**  
**August 3, 2009**  
**Weekly FOIA Report**

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

- Due to the increased volume of records being provided in its FOIA Reading Room, Immigration and Customs Enforcement (ICE) posted a reading room search engine, allowing members of the public to locate specific records. These records may include 287(g) Memorandums of Understanding and Intergovernmental Service Agreements between ICE and Law Enforcement Agencies, 287(g) and detention facility audit reports, collective bargaining agreements, contracts for detention and security services, as well as statistical and annual reports.

**II. FOIA requests:**

- On July 24, 2009, **Greg Talmage**, an individual from Nashville, Tennessee, requested from United States Citizenship and Immigration Services (USCIS) any communication between the following Members of Congress, including their staff, and the USCIS, to specifically include correspondence pertaining to (b)(6) Senator Claire McCaskill (D-MO), Congressman Russ Carnahan (D-MO).
- On July 27, 2009, **Christopher Mele**, a reporter for the *Times Herald-Record* in Middletown, New York, requested from the Transportation Security Administration (TSA) copies of Federal Aviation Administration (FAA)/TSA Security Summary Reports for Stewart International Airport at Newburgh, New York, between July 1, 2004, and July 1, 2009.
- On July 27, 2009, **Christopher Mele**, a reporter for *Times Herald-Record* in Middletown, New York, requested from the Transportation Security Administration (TSA) records of the amounts and types of potential weapons and other prohibited items surrendered or confiscated at security gates at Stewart International Airport in Newburgh, New York, between March 1, 2005, and July 1, 2009 broken down in monthly increments.
- On July 27, 2009, **David T. Gaffney**, an individual from Tucson, Arizona, requested from the Department of Homeland Security (DHS) records of all small arms center fire ammunition purchased by DHS during calendar years 2007 through 2009.
- On July 28, 2009, **Greg Carlstrom**, a representative of *The Federal Times* in Springfield, Virginia, requested from the Department of Homeland Security (DHS) a list of the five most expensive international airline tickets purchased by agency employees traveling on official business during the 2008 fiscal year, including origin and destination locations, cost, and the fare class of the ticket, as well as a copy of the five largest international travel reimbursements from the 2008 fiscal year.



- On July 28, 2009, **Kenneth Vogel**, a reporter for *Politico*, in Arlington, Virginia, requested from U.S. Customs and Border Protection (CBP), all correspondence received and sent during 2009, to several news organizations, including ABC News, CBS News, CNN, Fox News, National Public Radio, NBC News, The Chicago Sun Times, The Los Angeles Times, The New York Times, The Washington Post and The Washington Times. This request was also received within the Department of Homeland Security (DHS), and the U.S. Secret Service (USSS).
- On July 28, 2009, **Rob Walters**, a representative of *The Frederick News-Post* in Frederick, Maryland, requested from the Department of Homeland Security (DHS) a roster of Immigration and Customs Enforcement (ICE) employees working in Frederick County, Maryland, to include job titles and salaries. The requester also seeks ICE financial records and records of communication between ICE employees in Fredrick County, Maryland, and the county's sheriff office.
- On July 28, 2009, **Charles Lane**, a representative of *WSHU/NPR* in Fairfield, Connecticut, requested from the Management Directorate (MGMT) correspondence between DHS Management and the following Congressional Representatives: Tim Bishop (D-NY), Steve Israel (D-NY), and Peter King (R-NY), along with Senators Charles Schumer (R-NY), and Kirsten Gillibrand (D-NY), that referenced ARRA or "stimulus." This request was also received by the Transportation Security Administration.
- On July 28, 2009, **Sally Jacobs**, reporter for *The Boston Globe* in Belmont, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS), all releasable information in the alien file of Barack Hussein Obama, father of President Obama.
- On July 29, 2009, **Jarrett Renshaw**, a representative of *The Morning Call* in Allentown, Pennsylvania, requested from Immigration and Customs Enforcement (ICE), the names and addresses of 652 businesses that received Notices of Inspection in 2009 as well as the 503 businesses that received these notices in 2008. In addition, the requester seeks the results of any inspections conducted by ICE for companies based in Pennsylvania since the program's inception.
- On July 29, 2009, **Jim Parson**, a representative of *WTAE TV* in Pittsburg, Pennsylvania, requested from the United States Coast Guard (USCG) records of all facility and vessel inspections conducted in the Coast Guard's Eight District, MSU Pittsburg Unit from January 1, 2006, to the present.
- On July 29, 2009, **Frank Hinchey**, a representative of *Ohio Outdoor News* in Delaware, Ohio, requested from the United States Coast Guard (USCG) the PowerPoint evidence referenced as JRR-021 in MISLE Activity Number 3051586 concerning a barge or recreation boat incident that occurred on or about September 3, 2007.
- On July 29, 2009, **Patricia Lawrence**, an individual from Long Beach, California, requested from United States Citizenship and Immigration

Services (USCIS), the immigration and citizenship records of President Barack Obama.

- On July 30, 2009, **T. Tenny**, a representative of **FOIA & PRA Services** in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between DHS and the following Members of Congress: Senator Kirsten Gillibrand (D-NY), to include records of correspondence from Senator Gillibrand's tenure as a United States Congresswoman, and Congresswoman Carolyn Maloney (D-NY).
- On July 30, 2009, **Kenneth Vogel**, a reporter for *Politico* in Arlington, Virginia, requested from the Department of Homeland Security (DHS) records of waivers and recusal of Executive Order 13490 (Ethics Commitments by Executive Branch Personnel) signed by President Obama and pertaining to DHS political appointees.

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

- NSTR

### **IV. Lawsuits:**

- *American Civil Liberties Union of Northern California (ACLU) v. U.S. Immigration and Customs Enforcement*, Civil Action No. 08-2744 BZ. The ICE FOIA Office has forwarded a supplemental release of records to the Trial Attorney in response to Plaintiff's proposed settlement agreement.



**FOIA Activity for the Week of July 31 – August 6, 2009**

**Privacy Office**

**August 7, 2009**

**Weekly FOIA Report**

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

- NSTR

**II. FOIA requests**

- On August 3, 2009, **Chris Young**, a News Reporter, from *Pittsburgh City Paper* in Pittsburgh, Pennsylvania, requested from United States Citizenship and Immigration Services (USCIS) the names of Cambria County, Pennsylvania, prison inmates currently facing deportation or other charges related to violations of immigration law.
- On August 3, 2009, **Kate Brumback** of the *Associated Press*, in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) a list of all immigrants for whom a final order has been filed based on a prior conviction.
- On August 3, 2009, **Megan Rolland**, a reporter for the *Gainesville Sun* in Gainesville, Florida, requested from United States Citizenship and Immigration Services (USCIS) all religious visa petitions, applications, documents, correspondence submitted by, Dove World Outreach Center, Dove Charismatic Ministries, New Orleans Christian Center, or the Christliche Gemeinde Holn in Cologne, Germany.
- On August 3, 2009, **T. Tenny**, with **FOIA & PRA Services** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) correspondence between Senator Kirsten Gillibrand (D-NY), Congresswoman Carolyn Maloney (D-NY), their respective offices, and USCIS.
- On August 3, 2009, **David Williams**, an individual from Cary, North Carolina, requested from the Department of Homeland Security (DHS) all records maintained by the agency pertaining to the following groups: Campaign for Liberty, Republican Liberty Caucus, Constitution Party, Libertarian Party, Bob Barr for President, Chuck Baldwin for President, and Ron Paul for President.
- On August 4, 2009, **Eileen Sullivan**, a reporter with the *Associated Press*, in Washington, D.C., requested from Customs and Border Protection (CBP) a copy of the prioritized list of the 163 land ports of entry according to the Construction of CBP-Owned Land Ports of Entry Program.
- On August 5, 2009, **Mike Cronin**, a reporter for the *Pittsburg Tribune-Review*, in Pittsburg, Pennsylvania, requested from the United States Coast Guard (USCG) documents related to the number of tug-boat accidents in the Pittsburg waterways system.
- On August 5, 2009, **Eileen Sullivan** of the *Associated Press*, in Washington, D.C., requested from Immigration and Customs Enforcement



(ICE) copies of any and all visitor logs, telephone logs, and appointment calendars dating back to January 20, 2009, for Secretary Janet Napolitano and her senior staff, including but not limited to Ivan K. Fong, David A. Martin, Brian De Vallance, Sean Smith, Dora Schriro, Jane Holl Lute, Noah Kroloff and Jan Leshner.

- On August 6, 2009, **Ross P. Bailey**, an individual from Glen Allen, Virginia, requested from the Department of Homeland Security (DHS) the following: 1) the total number of FOIA requests received by the DHS Privacy Office between May 1, 2009, and August 5, 2009, 2) of those requests, the percentage that the DHS Privacy Office has complied with the FOIA statute, 3) the number of times the DHS Privacy Office has been sued in court for non-compliance with the FOIA, 4) the total number of emails and received by the DHS Privacy Office between May 1, 2009, and August 5, 2009, 5) copies of all emails sent and received in the Privacy Office between May 1, 2009, and August 5, 2009, and 6) the total number of U.S. citizens on DHS Watch Lists that would not comply with our Bill of Rights guarantees or protections under U.S. Criminal Code Title 18 Sections 241-245 (Color of Law Crimes). [sic]
- On August 6, 2009, **Christopher Farrell** of **Judicial Watch**, in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) all communications between the Department of Justice and officers, agencies, and/or representatives of the Government of Mexico concerning (b)(6) a Mexican national who testified in the prosecution of U.S. Border Patrol Agents (b)(6) and (b)(6) over a shooting incident in Texas on February 17, 2005.
- On August 6, 2009, **Suzanne Gamboa** of the **Associated Press**, in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) records on the outcome of audits done as a result of the 503 notices of inspection issued to various businesses in FY2008.

### III. FOIA Releases

- On July 30, 2009, the United States Coast Guard (USCG) released to **The Kansas City Star** an investigation relating to the vessel PIPE DREAM. Certain information was withheld pursuant to FOIA Exemptions 6 and 7.
- On August 4, 2009, the Department of Homeland Security (DHS) released to **Bloomberg News** and **The Associated Press**, 77 pages of documents related to requests for copies of the Secretary Napolitano's telephone logs and appointment calendars. Certain information was withheld pursuant to FOIA Exemptions 2(low), 2(high), and 6.
- On August 5, 2009, the Department of Homeland Security (DHS) released to Holbrook Mohr of **The Associated Press**, 6 pages of documents pertaining to all Government agencies (Federal, State, and local) as well as any other entity, public or private, that received money from components, departments, or agencies of the Department of Homeland Security related to the response and recovery of Hurricane Katrina. The documents were released with no exemptions claimed.

- On August 6, 2009, the Office of Inspector General (OIG) released to Christopher Farrell of **Judicial Watch**, 39 pages of documents pertaining to OIG's investigation of (b)(6) in response to a referral from DOJ/Executive Office for U.S. Attorneys. Certain information was withheld pursuant to FOIA Exemptions 2, 6, and 7C.

#### IV. Lawsuits:

- *Pravin B. Patel vs. Eric Holder, Attorney General, et al.* USCIS denied the FOIA request due to the subject of the first-party request being a fugitive. The lawsuit challenges the factual and legal bases of the fugitive disentitlement doctrine as applied in this particular FOIA request.
- *Electronic Frontier Foundation v. CIA, et al.* OIG was named as a party defendant. The lawsuit pertains to two requests filed by EFF for copies of reports to the Intelligence Oversight Board.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of August 7 – August 13, 2009**

**Privacy Office**

**August 17, 2009**

**Weekly FOIA Report**

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

- FEMA Disclosure has conducted training to several FEMA program offices in order to improve efficiency in the records retrieval process. There are also program offices that are scheduled to receive training throughout the month of August.

**II. FOIA requests**

- On August 10, 2009, **Paul Shearman Allen**, an individual in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), records of decisions from the Department of Homeland Security (DHS) which specify workers in non-list countries deemed eligible for the H-2B program.
- On August 10, 2009, **Rose E. Getman**, an individual in Syracuse, New York, requested from United States Citizenship and Immigration Services (USCIS), documents produced in response to requests by other requesters relating to the anthrax mailing in fall of 2001 and the ensuing investigation.
- On August 11, 2009, **Amy Davis**, a reporter from **KPRC-TV** in Houston, Texas, requested from the Transportation Security Administration (TSA) the following records maintained by or for the TSA: 1) total number of FOIA requests submitted to the TSA between January and July of 2008, 2) the total number of FOIA requests pending or awaiting responses from the TSA on June 19, 2008, and 3) the total number of FOIA requests pending or awaiting responses as of August 10, 2009.
- On August 11, 2009, **Stephen E. Losey**, a journalist for the **Federal Times** in Springfield, Virginia, requested from Customs and Border Protection (CBP) records of statistical information of incidents of improper use of firearms and/or vehicles by Border Patrol agents during fiscal years 1998 to the present. In addition, the request seeks CBP records of civil rights violation, reprimands, off-duty misconduct and theft of personal or government property during fiscal years 1998 to the present.
- On August 12, 2009, **Richard Block**, a representative of **The National Mariners Association** in Houma, Louisiana, requested from the United States Coast Guard (USCG) a letter written by a Vice Admiral requesting an investigation into allegations of misconduct by the USCG Administrative Law Judge (ALJ).
- On August 13, 2009, **Suzanne Gamboa** of the **Associated Press**, requested from Immigration and Customs Enforcement (ICE) a list of entities who contract or hold agreements with ICE to detain immigrants.

Late Entry

- On August 8, 2009, **D. Lauren Chiang**, president of **CMC Travel Services** in San Francisco, California, requested from United States Citizenship and Immigration



Services (USCIS), information pertaining to the following USCIS Regional Centers: Los Angeles Regional Center California Film Commission; Bay Area Regional Center LLC; and Regional Center Management Los Angeles.

### III. FOIA releases

- On August 10, 2009, the United States Coast Guard (USCG) released to **Service Members United** the total number of service members (six) who were administratively separated from January 1, 2009 through June 30, 2009 under the Coast Guard Homosexual Conduct Policy. The answer was released within the response letter and no exemptions were used.
- On August 10, 2009, the United States Coast Guard (USCG) responded to **The Oregonian** with a full denial of his request for records involving the Tidewater Barge vessel and John Day Dam on February 28, 2009; the Dalles Dam on May 15, 2009; and NEW DAWN on July 7, 2009. Information was withheld pursuant to FOIA Exemption Exemptions 5 and 7(a). s with a no records response regarding their request for information on any grants given to the Miami-Dade Police Department and the City of Miami Police Department between the years 2007 and 2008.
- On August 10, 2009, Immigration and Customs Enforcement (ICE) released records in response to a request from **Nick Miroff** of the **Washington Post**, who requested access to and copies of documents or reports with the results of ICE's investigation into the February 28, 2009, death of German national Guido R. Newbrough, an ICE detainee held at the Piedmont Regional Jail in Farmville, VA. ICE responded, as it relates to the medical records of the individual, as well as investigative records pertaining to his death.
- On August 10, 2009, Immigration and Customs Enforcement (ICE) released records in response to a request from **Hillel Italie** of the **Associated Press**, who requested all records pertaining to Michael Jackson. ICE responded indicating that no records exist, which are responsive to the request.
- On August 11, 2009, the Office of Inspector General (OIG) released to Nick Schwellenbach, of **The Center for Public Integrity**, a 27-page report entitled, "Audit of CBP Export Control Activities," in response to a document referral from DOD/Office of Inspector General. Certain information was withheld pursuant to FOIA Exemptions 2, 6, 7C, and 7E.
- On August 12, 2009, the Office of Inspector General (OIG) released to Michael Grabell, of **ProPublica**, 9 pages of documents pertaining to an OIG investigation of safety concerns raised by Federal Flight Deck Officers' locking pistol holsters. Certain information was withheld pursuant to FOIA Exemptions 2 "high," 3, 6, and 7C.
- On August 12, 2009, Immigration and Customs Enforcement (ICE) released records in response to a request from **Travis Loller** of the **Associated Press**, who requested copies of e-mails sent to the Davidson County Sheriff's Office in Tennessee that described plans by ICE to no longer detain illegal immigrants identified under the local 287(g) program who are arrested for traffic violations other than DUI. ICE responded with two e-mails providing instruction to Davidson County that non-criminal aliens that have no prior removals and do not fall within a mandatory

- removal category are to be released on recognizance. That is, those charged with traffic offenses are to be offered voluntary departure under safeguards.
- On August 12, 2009, Immigration and Customs Enforcement (ICE) released records in response to a request from **Tricia Herzfeld** of the **American Civil Liberties Union (ACLU)** who requested correspondence that was the basis for a newspaper article published in the *Tennessean* on June 22, 2009, referencing an ICE policy or directive relating to the release of certain detained non-citizens. Ms. Herzfeld also requested any policy, directive, e-mail or other correspondence or memoranda between ICE and the Davidson County Sheriffs Office relating to bed space issues, prioritizing cases of criminal aliens, or discussions of the option to release detainees on their own recognizance created since April 15, 2007. ICE responded with two e-mails providing instruction to Davidson County that non-criminal aliens that have no prior removals and do not fall within a mandatory removal category are to be released on recognizance. That is, those charged with traffic offenses are to be offered voluntary departure under safeguards. No records were located in response to the second item of this request.

#### **IV. FOIA litigation**

- *WildEarth Guardians vs. US Federal Emergency Management Agency*, in which WildEarth is challenging FEMA's response to their FOIA request within the twenty day time limit. The responsive documents for the third release are being prepared by FEMA's program offices.
- *Clerde Pierre (Pierre)* filed a complaint for declaratory and injunctive relief against DHS/USCIS on 7/10/09 in the U.S.D.C of Connecticut in connection with a 5/29/09 FOIA request that was submitted to the National Records Center. Pierre's complaint seeks injunctive relief ordering DHS to release the requested records and to award Pierre costs and reasonable attorney fees.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of August 21 - 27, 2009**

**Privacy Office**

**August 31, 2009**

**Weekly FOIA Report**

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- FEMA is working towards greater transparency and improved efficiency by researching the possibility of posting contracts on the internet.
- II. FOIA requests**
- On August 21, 2009, **Susan Gvodas**, a representative of the *Navy Times* in Springfield, Virginia, requested from the United States Coast Guard (USCG) all records concerning the results of an investigation into allegations of misconduct of [REDACTED] (b)(6) [REDACTED]
  - On August 21, 2009, **Alex Nicholson**, a representative of *Service Members United* in Washington, D.C., requested from the United States Coast Guard (USCG) documentation regarding the total number of personnel separated from the Coast Guard under the U.S. military's "Homosexual Conduct Policy" during the calendar year 2008 and the fiscal year 2008.
  - On August 24, 2009, **C. Douglas Sterner**, a representative of *Home of Heroes*, a web based archive listing recipients of the Congressional Medal of Honor in Pueblo, Colorado, requested from the United States Coast Guard (USCG) the citations for awards of the Coast Guard Distinguished Service Medal to Vice Admiral Vivien S. Crea and Vice Admiral David P. Peskoske.
  - On August 24, 2009, **Suzanne Gamboa**, a representative of the *Associated Press*, in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) any audits or inspection carried out by ICE at the Berks Family Detention Center.
  - On August 25, 2009, **David Lewis**, professor at *Vanderbilt University* in Nashville, Tennessee, requested from United States Citizenship and Immigration Services (USCIS), records for all persons employed or considered for employment as non-career members of the Senior Executive Service, all persons considered for or appointed to a Schedule C position, and all persons employed as Senate-confirmed presidential appointments by the agency from January 20, 2001 to September 1, 2009. This information was previously requested of DHS Headquarters as well.
  - On August 25, 2009, **Catherine Rentz** from *Investigative Reporting Workshop*, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), access to all H2 visa requests and records by Aircraft Workers Worldwide for the past ten years.
  - On August 25, 2009, **Mr. Frank Hinchey**, of *Ohio Outdoor News*, in Delaware, Ohio, requested from the United States Coast Guard (USCG)

documentation regarding the incident involving (b)(6) of the vessel ITB CLEVELAND.

- On August 25, 2009, **Alicia A. Caldwell**, a representative of the *Associated Press*, in Washington, D.C., requested from the Office of Inspector General (OIG) all final reports for all OIG investigations pertaining to U.S. Immigration and Customs Enforcement operations since the agency's creation.
- On August 26, 2009, **Donna J. Schmidt**, a representative of the *Colorado Biz Magazine*, in Greenwood Village, Colorado, requested from United States Citizenship and Immigration Services access to documents from the files of (b)(6) in Littleton, Colorado.
- On August 26, 2009, **Janice Kephart**, a representative of the **Center for Immigration Studies** in Washington, D.C., requested from the Department of Homeland Security (DHS) records pertaining to Border Patrol operations, to specifically include records of apprehension statistics, patrol data, smuggling operations, and memorandums of understanding between DHS and the Department of the Interior, the Forest Service, and the Tohono O'odham Indian Reservation.
- On August 27, 2009, **Richard Solomon**, an attorney in Pleasantville, New York, requested from the Department of Homeland Security (DHS) the following records for fiscal years 2007 and 2008: 1) records indicating the number of applications for a Request for a hearing on a Decision in Naturalization Proceedings under Section 336 of the Immigration and Nationality Act filed with U.S. Citizenship and Immigration Services, and 2) the number of N-336 applications approved and denied by the USCIS.

### III. FOIA Releases

- On August 24, 2009, U.S. Immigration and Customs Enforcement (ICE) released to **Omar Jadwat** of the *American Civil Liberties Union (ACLU)*, in New York, New York, a 23 page record related to his request for a copy of the new standardized 287(g) Memorandum of Agreement (MOA) referenced in a July 10, 2009 Department of Homeland Security (DHS) press release template of the Memorandum of Agreement (MOA). This record was released in its entirety.
- On August 25, 2009, U.S. Immigration and Customs Enforcement (ICE) released to **Nina Bernstein** of *The New York Times*, in New York, New York, 206 pages of records related to her request for all documents that ICE provided to the U.S. House of Representatives subcommittee on Homeland Security chaired by David Price, detailing the deaths that took place in detention facilities, including names, personal information, cause of death, and type of facility. Information was withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6) and (b)(7)(C).
- On August 27, 2009, U.S. Immigration and Customs Enforcement (ICE) released to **Holbrook Mohr**, a representative of *The Associated Press*, in Washington, D.C., 9 pages of records related to his request for the following: (1 a list of all government agencies (federal, state and local) as



well as any other entity, public or private, that received money from any and all components, departments or agencies of the Department of Homeland Security related to the response and recovery of Hurricane Katrina. This includes the amount of money each agency or entity was given, and (2 a list of all government agencies (federal, state and local) as well as any other entity, public or private, that received money from any and all components, departments or agencies of the Department of Homeland Security (other than FEMA) related to the response and recovery of Hurricane Rita. This includes the amount of money each agency or entity was given, and (3 any related data key or codes used when distributing or tracking money for hurricanes Katrina and Rita. The records were released in their entirety.

- On August 27, 2009, the Department of Homeland Security (DHS) released to **T. Tenny** of **FOIA & PRA Services**, 17 pages of logs of congressional correspondence between DHS and Senator Kirsten Gillibrand (D-NY) and Congresswoman Carolyn Maloney (D-NY). Information was withheld pursuant to FOIA Exemptions (b)(2)(low) and (b)(6).

#### **IV. Lawsuits:**

- *National Immigrant Justice Center v. U.S. Department of Homeland Security et al.* DHS was informed this week that pursuant to plaintiff's notice of dismissal, the case was dismissed without prejudice.
- *WildEarth Guardians vs. US Federal Emergency Management Agency.* WildEarth is challenging FEMA's response to their FOIA request within the twenty day time limit. The responsive documents for the third release are being prepared by FEMA's program offices.
- *Lonnie Lamont Griffin v. U. S. Department of Homeland Security, et al.* Plaintiff is questioning the adequacy of the search and withheld documents.
- *American Civil Liberties Union v. U.S. Department of Homeland Security, et al.* Plaintiff is challenging the Department's non-compliance of the statutory time limits for responding to a FOIA request for records regarding searches of electronic devices.



## **FOIA Exemptions**

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of September 4 – September 10, 2009**

**Privacy Office**

**September 14, 2009**

**Weekly FOIA Report**

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

- FEMA is researching the best option in order to post contracts on the web in order to provide more transparency and reduce the backlog.
- FEMA is providing training to GPD and NPD on 9/14/2009; FOIA training also on 9/15/2009 for FEMA Regions

**II. FOIA requests**

- On September 3, 2009, **Susan Carroll** of the *Houston Chronicle* in Houston, Texas, requested from Immigration and Customs Enforcement (ICE) information involving the April 23, 2009 incident aboard American Airlines Flight 983 from Miami to Guatemala City involving an unescorted ICE detainee.
- On September 8, 2009, **Amy Taxin** of the *Associated Press* in Tustin, California, requested from Immigration and Customs Enforcement (ICE), a copy of a contract awarded to Behavior Interventions, Inc. on July 20, 2009 for the Intensive Supervision Appearance Program (ISAP). In addition, Ms. Taxin requested a copy of ICE's Plan for Nationwide Implementation of Alternatives to Detention, which was submitted to the Committee on Appropriations of the Senate and/or the House of Representatives.
- On September 8, 2009, **Robert Deasy**, Director of the **American Immigration Lawyers Association** (AILA), in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS), copies of all guidance issued in responding to Freedom of Information Act (FOIA) requests.
- On September 8, 2009, **Margaret F. Bonafide** of the *Asbury Park Press* (no location given), requested from the United States Coast Guard (USCG) the name of the individual injured onboard a fishing vessel and rescued by the Coast Guard on September 7, 2009 in Manasquan Inlet, New Jersey.
- On September 8, 2009, **Matt Apuzzo**, a representative of *The Associated Press*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all DHS records related to The Associated Press' coverage of the department's handling of stimulus monies granted under the American Recovery and Reinvestment Act (ARRA), to specifically include records of meetings between the White House and DHS discussing the AP's coverage.
- On September 8, 2009, **Robert O'Harrow**, a representative of *The Washington Post*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records between DHS and Members of



Congress concerning real or potential spending on existing or potential projects funded through the American Recovery and Reinvestment Act (ARRA).

- On September 9, 2009, **Jeremy Finley** of *WSMV-TV* in Nashville, Tennessee, requested from Immigration and Customs Enforcement (ICE), the number of illegal immigrants who are the subject of “in-absentia” warrants issued from ICE’s Memphis Field Office between April 16, 2007 and July 31, 2009.
- On September 9, 2009, **Michael Pell** of **The Center for Public Integrity** in Washington, DC, requested from the Management Directorate (MGMT), financial audits for several municipalities.
- On September 9, 2009, **David Halbfinger**, a representative of *The New York Times*, in New York, New York, requested from the Department of Homeland Security (DHS) all records of correspondence between (b)(6) a current or former employee of the Newark, New Jersey office of the United States Immigration and Customs Enforcement, and Christopher Christie, then the United States Attorney for the District of New Jersey, between April 1, 2008, and December 1, 2008.

### III. FOIA Releases

- On September 3, 2009, the Immigration and Customs Enforcement (ICE) FOIA Office released to the *Associated Press* an Excel spreadsheet listing entities that currently hold agreements with ICE to detain illegal immigrants. They include Service Processing Centers (SPCs), Contract Detention Facilities (CDFs), and Intergovernmental Service Agreements (IGSAs). This document was released in its entirety.
- On September 9, 2009, the Immigration and Customs Enforcement (ICE) FOIA Office released to the *Houston Chronicle* 473 pages of records concerning the Intensive Supervision Appearance Plan (ISAP) and the Electronic Monitoring Device (EMD) program. The response included policy memoranda, Fact Sheets, and ISAP statistical and monthly progress reports. Portions of these records were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C).
- On September 9, 2009, USCIS denied in full a request by Neil Gordon for documents relating to a proposed A-76 study relating to Immigration Information Officers. This request was originally referred to USCIS by DHS, ref. no. DHS/OS/PRIV 09-204.
- On September 11, 2009, the Department of Homeland Security (DHS) released to Gio Benitez, an investigative producer for *CBS 4 News*, in Miami, Florida, a record totaling one page concerning his request for a list of all grants given to the Miami-Dade and City of Miami Police Departments. The record was released in full.

### IV. Lawsuits:

- *WildEarth Guardians vs. Federal Emergency Management Agency*, in which WildEarth is challenging FEMA’s response to their FOIA request within the twenty day time limit. The responsive documents for the third release are being prepared by FEMA’s program offices.



- On September 4, 2009, the Immigration and Customs Enforcement (ICE) FOIA Office made an additional supplemental release to the American Civil Liberties Union (ACLU) consisting of medical records belonging to 9 of the 11 new detainee deaths. Copies of this release were provided to the ICE Office of Public Affairs and the ICE Office of the Assistant Secretary.
- On August 21, 2009, Judge Sullivan granted defendant's (CREW 5) unopposed motion to stay defendant's obligation to respond to the First Amendment Complaint. A joint status report, including a recommendation for further proceedings, is now due September 8, 2009. A joint status report, including a recommendation for further proceedings, is also due in CREW 6 on September 8, 2009. (DHS v. CREW 5 and DHS v. CREW 6).
- On September 8, 2009, a stipulation of dismissal with prejudice was filed in Crew 5 and 6 respectively. (DHS v. CREW 5 and DHS v. CREW 6).
- On September 9, 2009, a joint motion to vacate and to dismiss with prejudice was filed in Crew 2 and 4 respectively (consolidated before the D.C. Circuit Court of Appeals). (DHS v. CREW 2 and DHS v. CREW 4).

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of September 11 – 17, 2009**  
**Privacy Office**  
**September 21, 2009**  
**Weekly FOIA Report**

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

- The Federal Emergency Management Agency (FEMA) is researching the best option for posting contacts on the web with the goal of providing increased transparency and a reduction of the FEMA FOIA backlog.
- The Federal Emergency Management Agency (FEMA) FOIA training originally scheduled for 9/15/2009 for FEMA Regions has been rescheduled to 9/18/2009.

**II. FOIA requests**

- On September 11, 2009, **Isobel English**, a reporter for the *Boston Globe*, in Boston, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS), the alien file of Barack Obama, Senior.
- On September 11, 2009, **Gio Benitez**, a representative of *CBS4 News* in Miami, Florida, requested from the Federal Emergency Management Agency (FEMA), all grants given to the Miami-Dade Police and City of Miami Police for years 2007-2008.
- On September 11, 2009, **Yvette M. Chin**, FOIA Coordinator for the *National Security Archive*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records concerning the implementation of President Barack Obama's January 21, 2009, memorandum on the Freedom of Information Act and/or Attorney General Eric Holder's memorandum on March 19, 2009, on the Freedom of Information Act.
- On September 11, 2009, **John Greenewald**, a representative of **Black Vault Radio Network**, in Northridge, California, requested from the U.S. Secret Service (USSS) a copy of all correspondence between DHS and the office of former Senator Barack Obama (D-IL) from January 1, 2008, to the present.
- On September 11, 2009, **Rod A. Baydaline**, an individual from Carmichael, California, requested from the U.S. Secret Service (USSS) all records relating to any visit that Malik Zulu Shabazz made to the White House complex from 12:00pm on January 20, 2009, to the present, to specifically include records from the two Secret Service databases known as the Worker and Visitor Entrance System (WAVES) and the Access Control Records System (ACR).
- On September 14, 2009, **Denise Lavoie**, a representative of *The Associated Press*, in Boston, Massachusetts, requested the following from the U.S. Secret Service (USSS): 1) records regarding all costs related to security provided at memorials and funeral services for U.S. Senator Edward M. Kennedy, 2) the cost of providing Secret Service agents and



any equipment for events at the John F. Kennedy Presidential Library and Museum on Thursday, August 27, 2009, and Friday, August 28, 2009, and the funeral service at Our Lady of Perpetual Help Basilica on Saturday, August 29, 2009, 3) the cost of providing Secret Service agents and equipment for motorcades to and from these events, as well as the motorcade to Hanscom Air Force Base following the funeral mass on August 29, and 4) records reflecting how many Secret Service agents were deployed in total for these events.

- On September 15, 2009, **Andrew Brenner**, an individual from Washington, D.C., requested from the Department of Homeland Security (DHS) all communications between Senator Arlen Specter (D-PA) and DHS between May 1, 2004, to the present.
- On September 16, 2009, **Monica Bury**, an individual from Mission, Kansas, requested from the Department of Homeland Security (DHS) all records concerning DHS funding of the Kansas City International Airport In-Line Baggage Screening System project, to specifically include records of communications between DHS, the Federal Aviation Administration, and/or the City of Kansas, related to delays of the project.
- On September 17, 2009, **Brandon Rosner**, an individual from Milwaukee, Wisconsin, requested from the U.S. Secret Service (USSS) copies of the White House visitor log for the afternoon of Thursday, August 2, 2001.
- On September 17, 2009, **Steven Emerson**, a journalist with *SAE Productions*, in Washington D.C., requested from U.S. Customs and Border Protection (CBP) all records from an August 19, 2009 meeting between CBP and Department of Homeland Security (DHS) Officials and representatives from the Council of American-Islamic Relations. The meeting was held to discuss allegations of racial and religious profiling at border checkpoints.
- On September 18, 2009, **Nathan Cardozo**, a representative of the *Electronic Frontier Foundation*, in San Francisco, California, requested from the Department of Homeland Security (DHS) all records dating January 1, 2009, to the present, concerning DHS's policies and practices regarding requiring travelers to disclose, with or without suspicion, passwords, encryption keys or other wise provide access to encrypted or password-protected data during an inspection of a laptop, memory stick, digital camera, other electronic device or digital information upon entry to the United States, to include an records of consequences if travelers refuse such requests.

### III. FOIA Releases

- On September 11, 2009, U.S. Immigration and Customs Enforcement (ICE) released to the **American Civil Liberties Union** 374 pages of Intergovernmental Service Agreements (IGSAs) and contracts for detention facilities in Southern California. Portions of this response were withheld pursuant to Exemptions (b)(2)High, (b)(4), (b)(6), and (b)(7)(C).

- On September 15, 2009, U.S. Immigration and Customs Enforcement (ICE) released to the *Houston Chronicle* in Houston, Texas, 848 pages of detention facility audits in the State of Texas. Portions of these records were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C).
- On September 15, 2009, U.S. Immigration and Customs Enforcement (ICE) released to *9 News KUSA-TV* in Denver, Colorado, 169 pages of records related to the travel of ICE staff both into and out of Denver, Colorado. Portions of that response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6) and (b)(7)(C).
- On September 16, 2009, the Department of Homeland Security (DHS) Management Directorate released to *The Post and Courier*, 9-pages of records regarding the Governor of South Carolina's security clearance status. Portions of the documents were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), and (b)(6).
- On September 16, 2009, the Office of Inspector General (OIG) released to Ian Urbina, of *The New Times* and Joe Cyr, of *Lovells, LLP*, 26 pages of documents pertaining to agreements between the US and the UK or any other nations for the extraordinary rendition of persons suspected of terrorism-related activities since 9/11. Certain information was withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C).
- On September 16, 2009, The Privacy Office (PRIV) released to **B.C. Freedom of Information & Privacy Association** in Vancouver, British Columbia, 12 pages of records related to Canadian federal provincial governments officials regarding Western Hemisphere Travel Initiative (WHTI). Specifically records related to RFID equipped documents such as enhanced drivers license and identification cards. Portions of the response were withheld pursuant to FOIA Exemptions (b)(2)Low and (b)(6).

#### IV. Lawsuits:

- *WildEarth Guardians v. U.S. Federal Emergency Management Agency*, in which WildEarth is challenging FEMA's response to their FOIA request within the twenty day time limit. The responsive documents for the third release are being prepared by FEMA's program offices.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of September 18 – September 24, 2009**

**Privacy Office**

**September 28, 2009**

**Weekly FOIA Report**

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

- NSTR

**II. FOIA requests**

- On September 18, 2009, **Christopher C. Horner**, a representative of the **Competitive Enterprise Institute**, in Washington, D.C., requested from the U.S. Secret Service (USSS) a copy of the White House Visitor Logs for the period of January 21, 2009, and June 30, 2009.
- On September 21, 2009, **Mike Williams**, an individual from Leicester, England, requested from the U.S. Secret Service (USSS) all White House visitor logs from September 11, 2001, to the present, that reflect the entries and exits of Richard Clarke and Lynne Cheney from the White House.

Late Entries

- On September 10, 2009, **Erika Angulo**, a representative of **NBC News**, in Washington, D.C., requested from the United States Coast Guard (USCG) records regarding the death of an individual caused by lightning that occurred on September 5, 2009, near Solider Key.
- On September 15, 2009, **Eileen Sullivan**, a representative of **The Associated Press** in Washington, D.C., requested from the United States Coast Guard (USCG) records regarding the exercise held on the Potomac River on September 11, 2009, to specifically include all communications that occurred before, during, and after the exercise between USCG employees and other federal, state, and local officials.
- On September 16, 2009, **Linda Greisman Christopherson**, a freelance journalist in Beloit, Wisconsin, requested from the United States Coast Guard (USCG) records of the individual who jumped from a Carnival cruise ship and was rescued by the DISNEY WONDER as well as records pertaining to costs incurred by the USCG in the search of (b)(6) who was also lost from the CARNIVAL HOLIDAY.

**III. FOIA Releases**

- On September 21, 2009, U.S. Citizenship and Immigration Services (USCIS) released to **ESPN**, in New York, New York, 47 pages of records related to Sahel Kazemi, the presumed to be the murderer of pro-football player Steve McNair, also withholding 27 pages in full. These pages were withheld pursuant to FOIA Exemption (b)(6).

- On September 25, 2009, U.S. Citizenship and Immigration Services (USCIS) released to the ***Boston Globe***, in Boston, Massachusetts, 52 pages of records pertaining to Barack Obama Sr. Certain information within these pages were withheld pursuant to FOIA Exemption (b)(6).

#### Late Entries

- On September 3, 2009, the Immigration and Customs Enforcement (ICE) FOIA Office released to the ***Associated Press***, in Washington, D.C., an Excel spreadsheet listing entities that currently hold agreements with ICE to detain illegal immigrants. They include Service Processing Centers (SPCs), Contract Detention Facilities (CDFs), and Intergovernmental Service Agreements (IGSAs). This document was released in its entirety.
- On September 9, 2009 the United States Coast Guard (USCG) denied the release of records to ***The New Journal***, in Wilmington, Delaware, regarding an incident involving the vessel RUSSEL W. PETERSON on May 12, 2008. Information was withheld pursuant to FOIA Exemptions 5 and 7(a).

#### **IV. Lawsuits:**

- *Meza v. U.S. Coast Guard*, filed in the U.S. District Court for the District of Columbia, in which Mr. Meza claims that documents in response to his FOIA request were never provided.

## **FOIA Exemptions**

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of October 2 - 8, 2009

### Privacy Office

October 13, 2009

### Weekly FOIA Report

- I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- The United States Coast Guard (USCG) FOIA staff met with the General Law staff this week to discuss ways to be proactive in providing information to the general public.
- II. **FOIA requests**
- On October 2, 2009, **Suzanne Gamboa**, a representative of the *Associated Press* in Washington, D.C., requested from United States Citizenship and Immigration Service (USCIS), travel records and expense accounts of all Office of Security and Integrity during the period December 1, 2005 through December 31, 2008. Requester is also seeking expense accounts of former director Emilio t. Gonzalez for the same period.
  - On October 5, 2009, **Janice Nicely** an Information Associate from *LRP Publications* in Palm Beach Gardens, Florida, requested from the Transportation Security Administration (TSA) a copy of the Disciplinary Review Board Opinions and decisions from September 1, 2009, through September 30, 2009.
  - On October 5, 2009, **Michael Bekesha**, a representative of *Judicial Watch*, in Washington, D.C., requested from the U.S. Secret Service (USSS) all records concerning the cost of the trip of President and First Lady Obama, Secretary Arne Duncan, Secretary Ray LaHood, Senior Advisor Valerie Jarrett, and representatives of the White House Office of Olympic, Paralympics, and Youth Sports, to Copenhagen during the week of September 28, 2009.
  - On October 5, 2009, **John Cheves**, a representative of the *Lexington Herald-Leader*, in Lexington, Kentucky, requested from the Office of Inspector General (OIG) copies of OIG audits and inspection reports regarding homeland security funds awarded to specific public entities in Kentucky from January 1, 2002, to the present.
  - On October 5, 2009, **Jim McElhatton**, of the *Washington Times*, in Washington, D.C., requested from the Office of Inspector General (OIG) copies of reports/memos for specified closed OIG investigations pertaining to compliance with Federal travel regulations.
  - On October 6, 2009, **Michelle Roberts**, a journalist from *The Associated Press*, in San Antonio, Texas, requested from Customs and Border Protection information related to the screening of unaccompanied minors for trafficking victims including: agency guidelines for screening; printed material used for training personnel; number of agents trained per month and number and nationalities of children identified per month since the start of 2009.

- On October 7, 2009, **Scott Learn**, a representative of *The Oregonian* in Portland, Oregon, requested from the United States Coast Guard (USCG) a complete incident investigation report regarding a collision involving a Tidewater Barge vessel and The Dalles Dam on or about May 15, 2009.
- On October 7, 2009, **Kelly Sanford**, a representative of *Boat International Media* in Fort Lauderdale, Florida, requested from the United States Coast Guard (USCG) investigative report for the grounding of the tug ENERGY 5501 on February 14, 2003, and the collision of vessel ESSENCE and coal carrier BARKALD on September 20, 2006.
- On October 7, 2009, **Carlos Subero**, an individual from Caracas, Venezuela, requested from the United States Citizenship and Immigration Service (USCIS), statistics relating to Venezuelan's admitted to the United States as legal residents, Venezuelan's admitted for asylum, and refugees from 2000 until 2008.
- On October 7, 2009, **Margaret E. K. Middleton** of **Hogan & Hartson**, on behalf of the Asian American Legal Defense and Education Fund, requested from the Department of Homeland Security (DHS) copies of documents reflecting any policy or statement of DHS or its components regarding the ability or inability to obtain data collected pursuant to the decennial census conducted by the Census Bureau ("census data") and copies of all documents reflecting any opinion or conclusion of DHS as to whether it is precluded by law from obtaining census data from the Census Bureau.
- On October 7, 2009, the Department of Homeland Security (DHS) received a referral and related documents from the Department of the Treasury (DOT) of a FOIA request from **Itai Maytal**, a representative of *The New York Times Company*, in New York, New York, seeking all Congressional correspondence pertaining to companies that work with the Office of Foreign Assets Control (OFAC), to specifically include correspondence related to such companies seeking license from OFAC or have been found by OFAC to be in violation of a sanctions program, and relating to OFAC's licensing process in general.
- On October 8, 2009, **James Tucker**, a representative of the *Electronic Frontier Foundation*, in San Francisco, California, requested from the Department of Homeland Security (DHS) and the U.S. Secret Service (USSS) all records concerning the use of social-networking websites, including but not limited to Facebook, MySpace, Twitter, Flickr and other online social media for investigative and data gathering purposes from January 1, 2003, to the present.

### III. FOIA Releases

- On October 6, 2009 the United States Coast Guard (USCG) released 3 pages of records to *The Associated Press* in Boston, Massachusetts, regarding extra patrol boats the U.S. Coast Guard stationed near the Kennedy family compound in Hyannis Port, Massachusetts and near the John F. Kennedy Presidential Library and Museum in Boston from August 26, 2009, through 29, 2009. These pages were released in full.

#### IV. Lawsuits:

- *WildEarth Guardians vs. US Federal Emergency Management Agency*, in which WildEarth is challenging FEMA's response to their FOIA request within the twenty day time limit. The responsive documents for the third release are being prepared by FEMA's program offices.
- *CASA de Maryland v. DHS*, Immigration and Customs Enforcement (ICE) filed a declaration and Vaughn index.



## **FOIA Exemptions**

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of October 9 - 15, 2009

### Privacy Office

October 19, 2009

### Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- The Federal Emergency management Agency (FEMA) is researching the best option for posting contracts on the web with the goal of providing more transparency and reducing the backlog.
  - Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room eleven detention facility reviews conducted in the State of California by the ICE Office of Detention and Removal Operations as well as 24 Intergovernmental Service Agreements (IGSAs), agreements with state and local jails to hold detainees.
- II. FOIA requests**
- On October 9, 2009, **Bradlee R. Frazer**, an Attorney with **Hawley Troxell Ennis & Hawley, LLP**, in Boise, Idaho, requested from United States Citizenship and Immigration Services (USCIS), the completed Regional Center proposal submitted by Invest Idaho Innovation, LLC, pertaining to an EB-5 Regional Center approved for Idaho.
  - On October 9, 2009, **Shoba Wadhia**, a Professor and Director at **Pennsylvania State University**, in State College, Pennsylvania, requested from United States Citizenship and Immigration Services (USCIS), records of all cases after January 1, 2003, in which deferred action status was involved.
  - On October 13, 2009 **Adam Pursch**, an Assistant News Director for **Fox 13 News**, in Salt Lake City, Utah, requested from the Transportation Security Administration (TSA) video footage regarding an incident between US Congressman Jason Chaffetz (R-UT) and TSA officials at Salt Lake International Airport on September 21, 2009, to specifically include reports, transcripts, surveillance video or audio recordings of this incident.
  - On October 13, 2009, **R.E. Loesch**, a representative from **AZ Traditions**, in Surprise, Arizona, requested from the U.S. Secret Service (USSS) all records relating to any visit that the following individuals made to the White House from 12:00 P.M. on January 20, 2009, to the present: Association of Community Organizers for Reform Now (ACORN) and the Service Employees International Union (SEIU), to specifically include information from two systems known formally as the White House Access Control System (WHACS) and the White House visitor logs.
  - On October 13, 2009, **Eileen Sullivan**, a journalist for **The Associated Press**, in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all FOIA requests received by DHS and its components from January 1, 2009, to the present.



- On October 13, 2009, **Eileen Sullivan**, a journalist for *The Associated Press*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all appointment calendars and other records reflecting personal visits, meetings and other correspondence from January 21, 2009, to the present for Secretary Janet Napolitano, her chiefs of staff Noah Kroloff and Jan Leshner, Immigration and Customs Enforcement chief of staff Suzanne Barr, and Customs and Border Protection chief of staff Marco Lopez.
- On October 14, 2009, **John Althen**, a representative of **Judicial Watch** in Washington, D.C., requested from the United States Coast Guard (USCG) all documents pertaining to the construction of centrifuge facilities near Qom, Iran.
- On October 15, 2009, **Timothy Kehrer**, from the **Democratic Senatorial Campaign Committee** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) all correspondence between Senator John Ensign (R-NV) and/or representatives from his office and USCIS including letters, reports, other relevant material relating to Sue Lowden, The Archon Corporation, Sahara Resorts, and Pioneer Hotel and Gambling Hall.
- On October 15, 2009, **Steven Emerson**, a representative of **SAE Productions**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records pertaining to an August 31, 2009, meeting between DHS and the Michigan State chapter of the Council on American Islamic Relations (CAIR-MI), to specifically include: 1) copies of any and all correspondence between DHS and CAIR-MI associated with the meeting, 2) copies of any reports, memos, emails or other internal DHS documents related to the meeting, 3) any documents identifying participants of the meeting and their organizational affiliation and any evaluation forms/reports executed by meeting participants in agency possession, and 4) any audio and/or video presentations or recordings presented at or made during the meeting.
- On October 15, 2009, **Steven Emerson**, a representative of **SAE Productions**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records pertaining to an August 19, 2009, meeting between DHS, U.S. Customs and Border Protection (CBP), and the Washington state chapter of the Council of American-Islamic Relations (CAIR-WA), to specifically include: 1) copies of any and all correspondence between DHS and CAIR-MI associated with the meeting, 2) copies of any reports, memos, emails or other internal DHS documents related to the meeting, 3) any documents identifying participants of the meeting and their organizational affiliation and any evaluation forms/reports executed by meeting participants in agency possession, and 4) any audio and/or video presentations or recordings presented at or made during the meeting.
- On October 15, 2009, **Sean Young**, an attorney in New York, New York, requested from the Department of Homeland Security (DHS) all records



related to policies, procedures, and/or guidelines in effect within DHS and/or U.S. Immigration and Customs Enforcement, dated October 16, 1997, and November 10, 2007, regarding the detention, custody review, and release of noncitizens who were awaiting an administrative decision on their application for relief from removal, as well as noncitizens who were subject to an administrative final order of removal, but whose removal had been judicially stayed.

- On October 15, 2009, **Jeff Meyer**, a representative of **Ziffan, Inc.**, in Reston, Virginia, requested from the Department of Homeland Security (DHS) all documentation pertaining to performance report guidance under the Government Performance and Results Act, 1993, to include records pertaining to performance plans and strategic plans for agencies under the Government Performance and Results Act.

#### Late Entry

- On October 8, 2009, **Ms. Melissa Keaney**, a representative of the **National Law Center** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records concerning the ICE Secure Communities Program (SCP), dated from March 28, 2008, to the present, to specifically include the following: 1) SCP policies, procedures, and training materials provided to state and local government agencies, 2) records regarding the SCP's "risk-based" classification approach, 3) records regarding the use and issuance of immigration detainers or holds pursuant to the SCP, 4) aggregate data or statistical reports related to individuals placed under immigration detainers pursuant to the SCP, and 5) contracts or agreements with any non-governmental entity for implementation of the SCP.

### **III. FOIA Releases**

- NSTR

### **IV. Lawsuits:**

- *WildEarth Guardians vs. US Federal Emergency Management Agency*, in which WildEarth is challenging FEMA's response to their FOIA request within the twenty day time limit. The responsive documents for the third release are being prepared by FEMA's program offices.

## **FOIA Exemptions**

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of October 16 - 22, 2009**  
**Privacy Office**  
**October 26, 2009**  
**Weekly FOIA Report**

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

- The Federal Emergency management Agency (FEMA) is researching the best option for posting contracts on the web with the goal of providing more transparency and reducing the backlog.
- Customs and Border Protection (CBP) has revamped its FOIA electronic reading room, which is accessible from <http://foia.cbp.gov/>.

**II. FOIA requests**

- On October 16, 2009, **Thomas E. Duncan**, an individual from Tulsa, Oklahoma, requested from the U.S. Secret Service (USSS) all records relating to any visit that the following individuals made to the White House from 12:00 p.m. on January 20, 2009, to present: all individuals, organizations, both national and foreign, including City, State and Country, if known.
- On October 19, 2009, **Andy Teerlink** a reporter from **KTVX ABC 4** in Salt Lake City, Utah, requested from the Transportation Security Administration (TSA) a copy of the video of incident between U.S. Representative Jason Chaffetz (R-UT) and TSA Agents at Salt Lake City International Airport on September 21, 2009.
- On October 19, 2009, **Austin Wright**, a reporter for **National Defense Magazine**, in Arlington, Virginia, requested from the Department of Homeland Security (DHS) records showing the number of people who were offered cyber security positions within the National Cyber Security Division in FY08 and FY09, to include records showing the number of applicants who accepted positions, the length of time those workers waited between accepting offers and receiving security clearances, and the number of workers denied clearances, the number of workers who initially accepted positions but then declined during the security clearance process.
- On October 20, 2009, the Department of Homeland Security (DHS) received a referral from the Under Secretary for Management (MGMT) of a request from **Jeffrey Buchanan**, an Information Officer at the **Robert F. Kennedy Center for Justice & Human Rights**, in Washington, D.C., seeking records of DHS appropriations and spending to date related to the 2005 and 2008 hurricanes, to include the following: 1) the amount of funding Congress appropriated to DHS and FEMA related to each disaster, 2) the amount of funding that DHS and FEMA, including the FEMA Disaster Relief Fund, received and how these funds were distributed to the affected states, 3) the amount of funding in each DHS and FEMA program that is obligated to projects and which of these funds



have been spent, and 4) which DHS and FEMA programs and related appropriations funded projects addressing long-term disaster recovery, and which funded short-term disaster response projects.

- On October 21, 2009, **Jaclyn Allen** a reporter from **KMGH-TV** in Denver, Colorado, requested from the Transportation Security Administration (TSA) documents containing the results of an investigation regarding a flight attendant who tried to pass through Denver International Airport with two guns.
- On October 21, 2009, **David Fitzpatrick**, a representative of **CNN**, in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) a letter from FEMA dated in January 2007 suspending federal disaster mitigation and other payments to the American Samoan Government.
- On October 21, 2009, **John Greenewald**, a representative of **Black Vault Radio**, in Northridge, California, requested from the Department of Homeland Security (DHS) a copy of the DHS Employee Manual or Handbook.

### III. FOIA Releases

- NSTR

### IV. Lawsuits:

- *WildEarth Guardians vs. US Federal Emergency Management Agency*, in which WildEarth is challenging FEMA's response to their FOIA request within the twenty day time limit. The responsive documents for the third release are being prepared by FEMA's program offices.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of October 23 - 29, 2009**  
**Privacy Office**  
**November 2, 2009**  
**Weekly FOIA Report**

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- NSTR
- II. FOIA requests**
- On October 23, 2009, **Ashley Cadotte**, an individual from West Linn, Oregon, requested from the U.S. Secret Service (USSS) a copy of the White House visitor log for the month of June 2009.
  - On October 26, 2009, **Rebecca Bernhardt**, a representative of the *American Civil Liberties Union of Texas* in Austin, Texas, requested from the Federal Emergency Management Agency (FEMA) all documents pertaining to Operation Stonegarden.
  - On October 26, 2009, **Mr. Don Morris**, a representative of the *St. Petersburg Times*, in St. Petersburg, Florida, requested from the United States Coast Guard (USCG) records regarding the latest Cumulative Data and Graphics for Oil Spills Report.
  - On October 26, 2009, **Mr. Brad Heath**, a reporter of *USA Today* in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) a complete electronic copy of the Deportable Alien Control System (DACS) (with personal information redacted) along with associated documentation).
  - On October 26, 2009, **Mr. Brad Heath**, a reporter of *USA Today* in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) electronic records related to aliens encountered, detained, deported, or otherwise removed pursuant to the 287(g) program. Specifically, he is seeking any electronic database or other listing of encounters, charges, removals, or other actions taken by law enforcement acting under 287(g) authority.
  - On October 27, 2009, **Todd Shepherd**, an individual from Golden, Colorado, requested from the Department of Homeland Security (DHS) inventories of lost, stolen, and/or damaged equipment/property for the Department during the calendar or fiscal year 2008.
  - On October 27, 2009, **Jacqueline Stevens**, an individual from New York, New York, requested the following from the Department of Homeland Security (DHS): 1) All memorandums issued since 2002 from the Detention and Removal Office to Field Directors concerning the procedures for investigating claims to US Citizenship, and 2) All documents related to the production of these memorandums since 2002 to and from (b)(6) and Christopher Shanahan.



- On October 27, 2009, **Shoba Sivaprasad Wadhia**, Director of the **Pennsylvania State University Center for Immigrants' Rights** in University Park, Pennsylvania, requested from United States Citizenship and Immigration Services (USCIS) current internal guidance and records regarding the use of prosecutorial discretion.
- On October 28, 2009, **Mr. Johanna Miller**, a representative of the **New York Civil Liberties Union** in New York, New York, requested the following from Immigration and Customs Enforcement (ICE): 1) all written agreements between the Department of Homeland Security and the State of New York, 2) all DHS policies and/or procedures for maintaining ICE's Automated Biometric Identifications System (IDENT), and 3) records utilized in the training of State and local law enforcement and correction officers and employees to participate in ICE's Secure Communities Program.
- On October 29, 2009, **Scott Armstrong**, a representative of **Information Trust**, in Santa Fe, New Mexico, requested from the Department of Homeland Security (DHS) records of immigration statistics and background material to produce publications concerning immigrants who arrived between 1895 and 1946.
- October 29, 2009, **Fredreka Schouten**, a representative of **USA Today** in Washington, D.C., requested from the U.S. Secret Service (USSS) copies of visitor logs and/or other records relating to any visits by 569 identified individuals made to the White House from January 20, 2009, to the present.

### III. FOIA Releases

- On October 28, 2009, the Office of Inspector General (OIG) released to **John Cheves** of the **Lexington Herald-Leader**, a 4-page 2003 audit report pertaining to the South Kentucky Rural Electric Cooperative Corporation. This document was released in its entirety.

### IV. Lawsuits:

- NSTR

## **FOIA Exemptions**

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of October 30 – November 5, 2009**

**Privacy Office**

**November 9, 2009**

**Weekly FOIA Report**

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- NSTR
- II. FOIA requests**
- On October 26, 2009, **Randy Tyler**, a Legal Fellow with the *American Civil Liberties Union* in Seattle, Washington, requested the following from the Department of Homeland Security (DHS) copies of the following records: 1) Any records regarding Law Enforcement Terrorism Prevention Program (LETPP) grants issued to any agency in Washington State, and 2) Records concerning surveillance, investigation or collection of information about “expressive activity” in Washington State from January 1, 2005 to the present.
  - On October 26, 2009, **Ms. Luisa Yanez**, a journalist for *The Miami Herald*, in Miami, Florida, requested from the United States Coast Guard (USCG) records from the Meriel boatlift, which took place between April and October 1980, to specifically include records regarding the names and personal information of the refugees transported on U.S. vessels, the names of the vessels that transported the refugees, and any reports and investigations initiated by Sector Miami of the USCG regarding the boatlift.
  - On October 30, 2009, **Eric Ofum**, the President of **Equal Rights for Persons with Disabilities International, Inc.** in Houston, Texas, requested from United States Citizenship and Immigration Services (USCIS) statistical data of continents and countries whose citizens’ applications for “T” and “U” Visas were granted in 2008 and 2009.
  - On November 2, 2009, **Ms. Ruth Ann Weidel**, a private individual, requested from the United States Coast Guard (USCG) copies of the following records: 1) Records concerning disciplinary actions taken against Coast Guard civilian and military attorneys, and 2) Actions taken against Coast Guard civilians by the Coast Guard within the last ten years.
  - On November 2, 2009, **Mr. Jim Jakobs**, an assignment manager for *KCRA-TV* in Sacramento, California, requested from the United States Coast Guard (USCG) records concerning an October 29, 2009, midair collision involving a USCG C-130 and Marine Corps AH-1 Super Cobra Helicopter, to specifically include records of communications between air traffic controllers and the two military aircraft.
  - On November 3, 2009, **Steven Wilker**, an attorney with **Tonkon Torp, LLP**, which represents the *American Civil Liberties Union*, in Portland, Oregon, requested from the U.S. Secret Service (USSS) records



concerning protocols, policies and procedures of the USSS in connection with the treatment of peaceful protestors from January 1, 2005, to the present.

- On November 4, 2009, **Heather Somerville**, a journalist for *Medill News Service, Northwestern University*, in Chicago, Illinois, requested from United States Citizenship and Immigration Services (USCIS) all records from September 30, 2008, through September 30, 2009, concerning denied Visa applications from Guatemala.
- On October 30, 2009, **Mr. Michael Blood**, a political journalist for *The Associated Press*, in Los Angeles, California, requested from the United States Coast Guard (USCG) records concerning an October 29, 2009, midair collision involving a USCG C-130 and Marine Corps AH-1 Super Cobra Helicopter, to specifically include records of communications between air traffic controllers and the two military aircraft as well as the flight path of the aircraft.

### III. FOIA Releases

- On October 30, 2009, the Department of Homeland Security (DHS) Privacy Office released to **Ms. Mary Martin**, an individual from Albuquerque, New Mexico, 67 pages of source material related to the report *"Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment"* and pro-life extremism. This response was released in full.
- On November 2, 2009, the Department of Homeland Security (DHS) Privacy Office released to **Dr. Kiralynne Schilitubi**, an individual from Riverside, California, 210 pages of source material related to the report *"Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment."* These pages were released in full. An additional 254 pages were withheld in their entirety pursuant to FOIA Exemptions (b)(7)(D) and (b)(7)(E).
- On November 2, 2009, the Department of Homeland Security (DHS) Privacy Office released to **Richard Thompson**, President and Chief Counsel of the **Thomas More Law Center**, 210 pages of source material related to the report *"Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment."* These pages were released in full. An additional 254 pages were withheld in their entirety pursuant to FOIA Exemptions (b)(7)(D) and (b)(7)(E).
- On November 2, 2009, the Department of Homeland Security (DHS) Privacy Office released **Nathan Mehrens**, a representative of **Americans for Limited Government (ALG)**, 210 pages of source material related to the report *"Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment."* These pages were released in full. An additional 254 pages were withheld in their entirety pursuant to FOIA Exemptions (b)(7)(D) and (b)(7)(E).

**IV. Lawsuits:**

- NSTR

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of November 06 – 12, 2009

### Privacy Office

November 16, 2009

### Weekly FOIA Report

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

- Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room the template for the Secure Communities Program's Memorandum of Agreement with State Bureaus as well as their Standard Operating Procedures.

#### II. FOIA requests

- On November 6, 2009, **Emily Beth Friedberg**, an individual from Huntington Woods, Michigan, requested from United States Citizenship and Immigration Services (USCIS) records concerning designation by USCIS as an EB-5 center in 2008, specifically the initial proposal and all documents submitted by (b)(6) (Gulf Coast Funds Management, Inc.).
- On November 6, 2009, **Michael Arcilesi**, of *WDIV News*, in Detroit, Michigan, requested from the Office of Inspector General (OIG) records concerning federal grant money awarded to the City of Detroit for homeland security since 9/11/02, to specifically include the status of grants and whether any money was returned to the federal government.
- On November 6, 2009, **William Luther**, Deputy Director of Photography of *San Antonio Express News*, in San Antonio, Texas, requested from the Federal Law Enforcement Training Center (FLETC) any information about Sgt. Kimberly Munley, the civilian police officer involved in the Ft. Hood shooting spree, and a photo of Ms. Munley to use with stories about her decisive actions during the shootings.
- On November 9, 2009, the Department of Defense referred to the U.S. Secret Service documents responsive to a June 29, 2009, request from **Jenny Small** of **Judicial Watch, Inc.** in Washington, D.C., seeking any and all records, from May 2009 to present, concerning the cost of President and First Lady Obama's trip to New York on May 30, 2009.
- On November 9, 2009, **Joel Millman**, a reporter with *The Wall Street Journal*, in Portland, Oregon, requested from United States Citizenship and Immigration Services (USCIS) records concerning Cuban Medical Professional Parole Program (CMPP), to specifically include the number of qualified parolees that have applied for parole under the CMPP and the countries, in order of greatest number of applicants.
- On November 10, 2009, **Margot Kaminski**, Student Director of the Media Freedom & Information Access Practicum of **Yale Law School**, New Haven, Connecticut, requested from the Office of Intelligence and Analysis (I&A) records concerning the relationship of Department of

Homeland Security's (DHS's) State, Local, and Regional Fusion Center Initiative and Connecticut State agencies, to specifically include correspondence and agreements from 2003 to present.

- On November 10, 2009, **Margot Kaminski**, Student Director of the Media Freedom & Information Access Practicum of **Yale Law School**, New Haven, Connecticut, requested from the Office of Intelligence and Analysis (I&A) records concerning the Department of Homeland Security (DHS) State, Local, and Regional Fusion Center Initiative, to specifically include information and record locator systems made accessible to Connecticut State officials from 2003 to present.
- On November 10, 2009, **Margot Kaminski**, Student Director of the Media Freedom & Information Access Practicum of **Yale Law School**, New Haven, Connecticut, requested from the Office of Intelligence and Analysis (I&A) records concerning the Department of Homeland Security (DHS) State, Local, and Regional Fusion Center Initiative and Connecticut agencies, to specifically include budgetary allocations from 2003 to present.
- On November 12, 2009, the **Liberty Counsel**, a nonprofit organization in Lynchburg, Virginia, requested from the Department of Homeland Security (DHS) the following records on behalf of their client, a nationally syndicated radio host: 1) Records concerning any monitoring, surveillance, observation or collection of information and the client's activities, 2) Any analysis or evaluation of any monitoring, surveillance, observation or collection of information and the client's activities, 3) Records relating or referring to any other federal, state or local government agency involved in monitoring, surveillance, observation or collection of information relating to the client, and 4) Any records relating to any communication between DHS or any other government agency and any court or tribunal relating to any monitoring, surveillance, observation or collection of information relating to the client.
- On November 12, 2009, **Eileen Sullivan**, journalist for *The Associated Press*, in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all FOIA requests received by DHS and its components from November 5, 2009, to the present.
- On November 12, 2009, **Kevin Bogardus**, journalist for *The Hill*, in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of any and all logs of correspondence from Members of Congress from January 20, 2009, to the present.

#### Late Entries

- On November 4, 2009, the Department of Transportation referred to the Department of Homeland Security (DHS) documents responsive to a request from the **Council on American-Islamic Relations (CAIR)**, concerning an incident that took place on November 20, 2006, on US Airways.



- On November 05, 2009, **Eileen Sullivan**, journalist for **The Associated Press**, in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of written directives or guidance, formal or informal, that were delivered to the secretary, her chiefs of staff, deputy secretary, speech writers and public affairs staff by consultants, White House officials, transition team members and advisors about the use of the word "terror" or any variation of it since January 2009.
- On November 5, 2009, **Benet Wilson**, a representative with *Aviation Week*, in Washington, D.C., requested from the Transportation Security Administration (TSA), a copy of an incident report concerning an incident occurring at Orlando International Airport, relating to a client..

### III. FOIA Releases

#### Late Entry

- On November 5, 2009, the United States Coast Guard (USCG) responded to **Don Morris**, Senior News Artist for *The St. Petersburg Times*, in St. Petersburg, Florida, informing him the information requested is available on the National Response Center (NRC) website.

### IV. Lawsuits:

- NSTR



## **FOIA Exemptions**

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of November 13 – 19, 2009

### Privacy Office

November 23, 2009

### Weekly FOIA Report

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

- Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room statistics regarding the parole of arriving aliens found to have a “credible fear.” It states the number of cases approved or denied broken down by category (serious medical condition, pregnancy, juvenile, witness, public interest). In addition, ICE posted nine detention facility reviews conducted by the ICE Office of Detention and Removal Operations.
- The Privacy Office (PRIV) posted to its FOIA Reading Room Volumes 8000-11000 of Departmental Directives, as well as FOIA logs for FY08-FY09.

#### II. FOIA requests

- On November 13, 2009, **David Shaffer**, a journalist for *The Star Tribune of Minneapolis*, in Minneapolis, Minnesota, requested from the United States Citizenship and Immigration Services (USCIS) a copy of all Notices of Intent to Deny (NOID) and all Requests for Evidence (RFE) issued in international child adoption cases to include the date of issue, country of origin, name of orphanage or care center, name of the United States adoption agency handling the adoption, age and sex of child, the state to which the child is proposed to be adopted, and the final disposition of the NOID/RFE with a summary of the reasons for agency action. Request has been closed as a Failure to Comply.
- On November 13, 2009, **David Alexander**, an attorney with **Masuda Funai**, in Chicago, Illinois, requested from the United States Citizenship and Immigration Services (USCIS) any information regarding the Chicagoland Foreign Investment Group Regional Center and the American Life Seattle Regional Center.
- On November 13, 2009, **Aidan Monaghan**, an individual from Las Vegas, Nevada, requested from the United States Secret Service (USSS) all visitors’ logs to the White House on September 11-12, 2001.
- On November 16, 2009, **Steven Lee Craig**, an individual from Del City, Oklahoma, requested from the United States Citizenship and Immigration Services (USCIS) all information, documents, memorandum, faxes, e-mails, opinions, legal opinions, conference notes and other communications related to the publication of paragraph item found on page four of “The Citizen’s Almanac”, M-76 specific to: The Right to Run for Elected Office.

- On November 17, 2009, **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting**, in Berkeley, California, requested from the Office of Inspector General (OIG) an investigative report concerning a third party.
- On November 17, 2009, **Patrick Reynolds**, an individual from Branchdale, Pennsylvania, requested from the United States Secret Service (USSS) all records to any visit that the following individuals made to the White House from 12:00 p.m. on January 20, 2009, to the present: Van Jones, William Ayers (ACORN founder), John Murtha and Arlen Specter.
- On November 19, 2009, **Michael Ravnitzky**, an individual from Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) reports produced for congress by DHS, during the past three years, and which are not posted on the DHS public website.
- On November 19, 2009, the United States Department of Commerce referred to the Department of Homeland Security (DHS) documents responsive to a March 31, 2008, request from **Taylor Lincoln of Public Citizen** in Washington, D.C., seeking records concerning individuals or business that have lobbied the U.S. Department of Commerce since 2004 and listed by name in the request.

### III. FOIA Releases

- On November 13, 2009, the Immigration and Customs Enforcement (ICE) responded to **Claire Trickler-McNulty**, a staff attorney with the **American Bar Association**, an Excel spreadsheet listing all ICE detention facilities, their physical addresses, and average lengths of stay. This document was released in its entirety.
- On November 16, 2009, the Immigration and Customs Enforcement (ICE) responded to **Claire Trickler-McNulty**, a staff attorney with the **American Bar Association**, 2-page PDF file listing the names of Field Office Directors and Deputy Field Office Directors for each ICE Field Office/Sub-Office as well as their office addresses and phone numbers. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6).
- On November 23, 2009, the Transportation Security Administration (TSA) responded to **Jameel Jaffer**, a representative of **American Civil Liberties Union**, 15 pages of records pertaining to their request for Security Directives and records relating to any flight safety assessments and their client. Portions of this response were withheld pursuant to FOIA Exemption (b)(3), (b)(6).

### IV. Lawsuits:

- NSTR



## **FOIA Exemptions**

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of November 20 – 26, 2009**  
**Privacy Office**  
**November 30, 2009**  
**Weekly FOIA Report**

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- NSTR
- II. FOIA Requests**
- On November 23, 2009, **Joel Thomas Shackleford**, an attorney with **Green de Bortnowsky & Quintanilla**, in Calabasas, California, requested from the United States Citizenship and Immigration Services (USCIS) records concerning CMB Export, CMB Infrastructure Investment Group, &/or Patrick Hogan or William Hurley. This request is related to EB-5 category requests.
  - On November 24, 2009, **Morgan J.C. Scudi**, an attorney with **Scudi Johnson & Ayers**, in San Diego, California, requested from the United States Citizenship and Immigration Services (USCIS) records concerning the establishment of the South Dakota International Business Institute (SDIBI) as a USCIS designated Regional Center. This request is related to EB-5 category requests.
- III. FOIA Appeals**
- On November 24, 2009, **Karen Kaiser**, Assistant General Counsel for *The Associated Press (AP)*, in New York, New York, appealed the September 24, 2009, response by U.S. Customs and Border Protection (CBP) to the July 23, 2009, FOIA request from the AP, requesting a copy of the prioritized list of 163 land ports of entry owned by Customs and Border Protection and the General Services Administration.
- IV. FOIA Releases**
- NSTR
- V. Lawsuits:**
- NSTR

## **FOIA Exemptions**

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of November 27 – December 3, 2009**

**Privacy Office**

**December 7, 2009**

**Weekly FOIA Report**

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

- Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room sixty-six 287(g) Memorandums of Agreement signed by the ICE Assistant Secretary in October and November of 2009. In addition, ICE posted twelve detention facility reviews conducted by the ICE Office of Detention and Removal Operations.

**II. FOIA Requests**

- On November 27, 2009, **Anna Fry**, a representative of the ***Rogers Morning News***, in Rogers, Arkansas, requested from Immigration and Customs Enforcement (ICE) statistics on the number of criminal aliens in Benton and Washington Counties, Arkansas identified under ICE's Secure Communities Program.
- On November 30, 2009, **Carrie Kahn**, a representative of the ***National Public Radio***, in Culver City, California, requested from Immigration and Customs Enforcement (ICE) records related to an appeal of a Merit Systems Protection Board's decision, specifically a copy of the case file for Docket Number DA-0752-09-0332-I-1.
- On November 30, 2009, **Gili Shenhar**, a senior researcher with the **Gertner Institute for Epidemiology and Health Policy Research, Tel Aviv University (TAU)**, in Tel Aviv, Israel, requested from the Federal Emergency Management Agency (FEMA) a copy of the questionnaire that is used for emergency preparedness evaluation.
- On November 30, 2009, **Sharon Theimer**, a reporter with the **Associated Press (AP)**, in Washington, D.C., requested from the United States Secret Service (USSS) copies of any photographs, audio, or video of Michael Salahi and/or Tareq Salahi taken November 24, 2009, and November 25, 2009.
- On December 1, 2009, **Sean Riordan**, a staff attorney with the **American Civil Liberties Union (ACLU)**, in San Diego, California, requested from Immigration and Customs Enforcement (ICE) the medical records of their client who is confined in the San Diego Correctional Facility.
- On December 1, 2009, **Sharon Theimer**, a reporter with the **Associated Press (AP)**, in Washington, D.C., requested from the United States Secret Service (USSS) records relating to all breaches of security at official presidential events from Sept. 11, 2001, to the present, to include official presidential events at the White House, Capitol Hill or elsewhere.
- On December 1, 2009, **Brooke Williams**, an investigative reporter with the **Watchdog Institute**, in San Diego, California, requested from the

Office of Inspector General (OIG) records related to an audit conducted in San Diego to determine costs of wildfire cleanup, specifically seeking correspondence that contain information relating to a construction company, its owners, or employees and the city of San Diego.

- On December 2, 2009, **Gervasio Morales Rodríguez**, Director of *Claridad* (Spanish-language weekly newspaper), in San Juan, Puerto Rico, requested from the United States Coast Guard (USCG) records concerning the deaths of Puerto Rican pro-independent leaders, specifically any information regarding the death of (b)(6)
- On December 3, 2009, **Kevin McKeon**, an individual in Washington, D.C., requested from the Department of Homeland Security (DHS) correspondence between three former Members of Congress, their staff, and the Department.
- On December 4, 2009, **Suzanne Gamboa**, a representative of the *Associated Press (AP)*, in Washington, D.C., requested from the Department of Homeland Security (DHS) records relating to meetings on immigration reform held by Secretary Napolitano or DHS, including the names, affiliation and title of those in attendance of those meetings.

### III. FOIA Releases

- On December 2, 2009, the Office of Inspector General (OIG) responded to **Alicia Caldwell**, a representative of the *Associated Press (AP)*, in Washington, D.C., releasing two (2) pages of narrative listings pertaining to alleged improprieties by Immigration and Customs Enforcement (ICE) informants and confidential sources. Portions of this response were withheld pursuant to FOIA Exemption(s) 6, 7A, 7C, and 7D.

### IV. FOIA Appeals

- NSTR

### V. Lawsuits:

- NSTR

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of December 4 - 10, 2009

### Privacy Office

December 14, 2009

### Weekly FOIA Report

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

- Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room one 287(g) Memorandum of Agreement signed by the ICE Assistant Secretary in October 2009. In addition, ICE posted thirty-four detention facility reviews conducted by the ICE Office of Detention and Removal Operations.

#### II. FOIA Requests

- On December 3, 2009, **Susan Carroll**, a reporter with the *Houston Chronicle*, in Houston, Texas, requested from Immigration and Customs Enforcement (ICE) a list of all companies targeted in Fiscal Years 2008 and 2009 for I-9 audits, including name, county, state, and disposition of case any fine or charge assessed.
- On December 3, 2009, **David Shapiro**, a staff attorney for the **American Civil Liberties Union (ACLU) National Prison Project**, in Washington, D.C., requested from the Department of Homeland Security (DHS), and its components, Immigration and Customs Enforcement (ICE), the Office of Inspector General (OIG) and Office of Civil Rights and Civil Liberties (CRCL), documents related to deaths of immigration detainees.
- On December 7, 2009, **Suzanne Gamboa**, a reporter with *The Associated Press (AP)*, in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) records showing the number of Fugitive Operations teams and the number of people on each team.
- On December 10, 2009, **Charles McLavy**, a journalist with *Inside Edition*, in New York, New York, requested from the Department of Homeland Security (DHS) copies of the ten most expensive international travel airline tickets purchased by or for agency leadership and/or staff during the past three years and copies of the ten largest travel expense reports submitted by agency leadership during the past three years.
- On December 7, 2009, **Patrick McMurty**, a reporter with *WCHS-TV*, in Charleston, West Virginia, requested from the Office of Inspector General (OIG) copies of all OIG audits/reports involving West Virginia for the 2009 calendar year.
- On December 8, 2009, **Sara Mehta**, an Aryeh Neier Fellow with **Human Rights Watch**, in New York, New York, requested from Immigration and Customs Enforcement (ICE) records concerning noncitizens with mental disabilities or mental illness in immigration removal and asylum proceedings that are, or have been, held in detention facilities at any time from September 1, 2004, until the present.

- On December 9, 2009, **Yvette Chin**, the FOIA coordinator for the **National Security Archive**, in Washington, D.C., requested from the Department of Homeland Security (DHS) and all of its components, copies of the ten (10) oldest pending perfected FOIA requests for Fiscal Year 2009.
- On December 9, 2009, **Joan Lowy**, a reporter with *The Associated Press (AP)*, in Washington, D.C., requested from the Transportation Security Administration (TSA) copies of any memos, reports, e-mails, power points, videos, recordings or other information generated by regarding a TSA site visit to Evergreen Maintenance Center Incorporated.
- On December 9, 2009, **Erica Jorgensen**, a reporter with *WSB-TV Special Projects*, in Atlanta, Georgia, requested from the Transportation Security Administration (TSA) copies of any and all investigative documents, reports, incident reports and records of enforcement action relating to an incident that occurred on November 17, 2009, aboard an Air Tran Flight 297 scheduled to fly from Atlanta Hartsfield Airport to Houston.
- On December 9, 2009, **Peter Wallsten**, a reporter with *The Wall Street Journal*, in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of weekly reports submitted from the Secretary to the White House Chief of Staff Rahm Emanuel between January 20, 2009, and December 9, 2009, including all correspondence to and/or from the Secretary and Mr. Emanuel.
- On December 10, 2009, **Edward Hasbrouck**, a consultant for **The Identity Project**, in Oakland, California, requested the following from the Transportation Security Administration (TSA): 1) Screening Checkpoint Standard Operating Procedures (SOP), 2) Checked Baggage Screening Standard Operating Procedures (SOP), 3) Notices of Inspection (NOI), 4) The TSA's "Frequently Asked Questions (FAQ)", 5) TSA Operations Directive 400-50-I-8, Travel Document Checker Implementation Procedures" and any other TSA Operations Directives or Management Directives related to "travel documents", travel document checking, ID checking, or identity verification, 6) The list and index of TSA Operations Directives, and 7) The list and index of TSA Management Directives.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- NSTR

### V. Lawsuits:

- *Judicial Watch v. U.S. Secret Service (USSS)*, in which Judicial Watch is challenging USSS's response to their FOIA request seeking "[a]ll official visitor logs and/or other records concerning visits made to the White House from January 20, 2009 to the present," which the USSS responded that the records sought were Presidential Records under the Presidential

Records Act, and the request was referred to White House Counsel's Office. Judicial Watch filed an administrative appeal, which was denied.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of December 11 - 17, 2009**

**Privacy Office**

**December 21, 2009**

**Weekly FOIA Report**

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

- NSTR

**II. FOIA Requests**

- On December 11, 2009, **Kevin McKeon**, an individual from Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) copies of correspondence between USCIS and the following former Members of Congress: 1) Charlie Bass (R-NH), 2) Mike Fitzpatrick (R-PA), 3) Steve Chabot (R-OH), and 4) Steve Pearce (R-NM). No time period was specified, but none of these members are still in office.
- On December 11, 2009, **Dr. Paul Risenhoover**, a doctor from Tainan City, American Formosa, requested from United States Citizenship and Immigration Services (USCIS) records relating to the USCIS legal determination of the status of American Formosa.
- On December 11, 2009, **Paul Singer**, a reporter with *Roll Call* in Washington, D.C., requested from the Department of Homeland Security (DHS) communication records between the office of U.S. Representative Bennie Thompson and/or the House Committee on Homeland Security and officials of the Department of Homeland Security relating to the Veratect Corporation in Kirkland, Washington.
- On December 14, 2009, **Steven Emerson**, President of *SAE Productions* in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) all copies of information regarding the Muslim American Homeland Security Congress (MAHSC) monthly roundtable meetings, including the one scheduled for December 15, 2009.
- On December 16, 2009, **Ashley Huebner**, an attorney with **National Immigrant Justice Center** in Chicago, Illinois, requested from United States Citizenship and Immigration Services (USCIS) records pertaining to Tier III Terrorist Groups as defined in INA § 212(a)(3)(B)(vi)(III).
- On December 16, 2009, **Bill Langlois**, an Assignment Editor with *KHOU-TV* in Houston, Texas, requested from the United States Coast Guard (USCG) records regarding the search and rescue off the coast of the Sabine Pass on December 15, 2009.
- On December 17, 2009, the Transportation Security Administration (TSA) referred to the Department of Homeland Security (DHS) a request from **Jennifer Miller**, Executive City Editor with the *Boston Herald* in Boston, Massachusetts, who seeks records regarding Travel Redress Inquiry Program (TRIP) complaints alleging a passenger was misidentified on a



watch list and denied or delayed airline boarding or denied or delayed entry into or exit from Logan International Airport between March 1, 2007, and October 1, 2009.

- On December 17, 2009, the Federal Bureau of Investigation referred to the Department of Homeland Security (DHS) three documents responsive to a May 7, 2008, request from **J. Scott Tarbutton**, a representative of **Cozen O'Connor**, in Philadelphia, Pennsylvania, seeking records related to (b)(6)

#### Late Entries

- On November 18, 2009, (b)(6) a representative of *The Atlantic* magazine in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) photographs of himself at entry points into the U.S. and foreign countries.
- On December 1, 2009, **Steven Emerson**, President of *SAE Productions* in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) records concerning (b)(6) and his border intercept in October 2002, including the warrant and the supporting documents for the warrant.
- On December 10, 2009, **Daniel Kelly**, Vice President Business Development of **Fifth Year Productions** in Rochester, New York, requested from the United States Coast Guard (USCG) records regarding the search and rescue pattern involving the missing National Football League (NFL) players off the coast of Florida.
- On December 10, 2009, **Dr. Paul Risenhoover**, a doctor from Tainan City, American Formosa, requested from the United States Citizenship and Immigration Services (USCIS) all agency or interagency policy or legal documents relating to treatment of Formosans as aliens.

### **III. FOIA Appeals**

- On December 11, 2009, **Thomas Burke**, Counsel for the **Lawyer's Committee for Civil Rights of the San Francisco Bay Area (LCCR)** in San Francisco, California, appealed the response by U.S. Customs and Border Protection (CBP) to LCCR's initial FOIA request for records related to the use, attempted use or threatened use of U.S. immigration laws or regulations to enlist the cooperation, assistance or participation of individuals to provide information to government officials or to participate in intelligence gathering activities.

### **IV. FOIA Releases**

- On December 16, 2009, the Office of Inspector General (OIG) released the following to **Patrick McMurtry** of *WCHS-TV* in Charleston, West Virginia: 1) OIG audit report number DA-09-11 entitled, West Virginia Division of Homeland Security and Emergency Management, and 2) A December 8, 2009 report entitled, DHS FY 2010 Preparedness Grant



Programs Overview. These documents were released in their entirety as they are available on the DHS website.

- On December 15, 2009, the United States Coast Guard (USCG) released information to *The Oregonian* in Portland, Oregon, regarding the collision between the vessel TIDEWATER and Dalles Dam on May 15, 2009. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(A) and (b)(7)(D).

## V. Lawsuits:

- *Electronic Frontier Foundation v. Central Intelligence Agency, et al.*, in which the Department of Homeland Security (DHS) released records responsive to Plaintiff's request for copies of records pertaining to and including Intelligence Oversight Board reports. This release was made pursuant to a court-ordered deadline on December 15, 2009.
- *International Counsel Bureau and Pillsbury, Winthrop, Shaw, Pittman, LLP, v. Central Intelligence Agency, et al.*, in which the Plaintiff filed action based on constructive denial of a May 8, 2009 request for records relating to rehabilitation of prisoners transferred to other nations from the military prison at Guantanamo Bay, Cuba.

## **FOIA Exemptions**

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of December 18-24, 2009

### Privacy Office

December 28, 2009

### Weekly FOIA Report

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

- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room one policy memorandum titled "Eligibility Criteria for Enrollment into the Intensive Supervision Appearance Program (ISAP) and the Electronic Monitoring Device (EMD) Program. In addition, ICE posted the 2006 Detention and Removal Operations Juvenile Protocol Manual.

#### II. FOIA Requests

- On December 18, 2009, **Nicholas Phillips** of the *Riverfront Times* in Saint Louis, Missouri, requested from United States Citizenship and Immigration Services (USCIS) all releasable records, from any time period, pertaining to a private individual.
- On December 18, 2009, **T. Conway**, an individual from Chicago, Illinois, requested from United States Citizenship and Immigration Services (USCIS) the number of applications (both approved and not approved) for Optional Practical Training (OPT) Science, Technology, Engineering, Mathematics (STEM) extensions.
- On December 18, 2009, **Thomas Louis Dublin**, an ethnic history teacher of the **State University of New York, Binghamton** from Brackney, Pennsylvania, requested from United States Citizenship and Immigration Services (USCIS) any documents pertaining to the legal disposition or settlement of the 1994 African American employees' lawsuit against the Immigration and Naturalization Service.
- On December 21, 2009, **Matthew Weldon of Samuel Goldman & Associates** requested from the Department of Homeland Security (DHS) a copy of each response received by DHS Attorney Erica Bomsey to her May 10, 2006 e-mail to (b)(6) attaching standard questions (on behalf and for the consideration of Team Telecom) to be answered by SkyPort Communications, Inc., in connection with their application for the transfer of control of its international 214 license (a license granted by the FCC related to calling between U.S. and foreign countries).
- On December 22, 2009, **Ashley Huebner**, Supervising Attorney for the **National Immigrant Justice Center** Asylum Project requested from the Department of Homeland Security (DHS) all records reflecting the frequency with which or the procedures by which information regarding Tier III terrorist groups is shared or disseminated, including, but not limited to: 1) Any documents reflecting how or whether USCIS employees are informed as to what organizations other employees at their same



service center or local office have identified as Tier III terrorist organizations, 2) Any documents reflecting how or whether USCIS employees are informed as to what organizations employees at other service centers or local offices have identified as Tier III terrorist organizations, 3) Any documents relating to correspondence between USCIS service centers or local offices and DHS-ICE Office of Chief Counsel relating to the designation of an organization as a Tier III terrorist organization, 4) Any documents relating to correspondence between DHS and any other representative of the U.S. Government regarding the substantive criteria or procedural guidelines used to determine whether an organization constitutes a Tier III terrorist organization, other than communication, which have been made available to the public, relating to those organizations specifically exempted from Tier III terrorist organization designation by the Secretaries of State and Homeland Security pursuant to the discretionary authority provided under INA § 212(d)(3)(B)(i), 5) Any documents relating to correspondence between DHS and any person or entity other than a representative of the U.S. Government regarding the substantive or procedural guidelines used to determine whether an organization constitutes a Tier III terrorist organization, and 6) Any documents relating to communication with the media concerning the application of INA § 212(d)(3)(B)(vi)(III), including internal communications regarding media inquiries.

- On December 22, 2009, **Elliot Spagat** a correspondent for the *Associated Press* in San Diego, California, requested from the United States Coast Guard (USCG) records regarding the collision of a Coast Guard boat and a recreation boat near Shelter Island during the San Diego Bay Parade of Lights on December 20, 2009.
- On December 23, 2009, **Nancy Morawetz**, Supervising Attorney with the **Immigrant Rights Clinic, Washington Square Legal Services**, in New York, New York, requested from the Department of Homeland Security (DHS) an expansive list of records concerning individuals who were not present in the United States at the time that a United States federal court overturned a decision ordering removal or their immigration case was reopened by an Immigration Judge or the Board of Immigration Appeals.
- On December 24, 2009, **Melissa Keaney**, a Loyola Public Interest Law Fellow with the **National Immigration Law Center** in Los Angeles, California, requested from the Department of Homeland Security (DHS) all completed Secure Communities Initiative Surveys submitted to DHS or Immigration and Customs Enforcement (ICE).
- On December 24, 2009, **David Armstrong**, Senior Correspondent for the **National Security News Service**, requested from the Department of Homeland Security (DHS) records between January 1, 2007, and the present, to include records of phone conversations or meetings concerning requests from any U.K. government authorities, including but not limited to representatives of the Independent Police Complaints Commission (IPCC), for DHS assistance in the following: 1) A British investigation of

a U.K. citizen named Atif Amin, and 2) Obtaining information about David Armstrong or the National Security News Service.

#### Late Entries

- On December 15, 2009, **Sarah Mehta** of **Human Rights Watch** in New York, New York, requested from Immigration and Customs Enforcement (ICE) records concerning non-citizens with mental disabilities or mental illnesses in immigration removal and asylum proceedings and who are or have been held in detention facilities at any time from September 1, 2004 to the present.
- On December 16, 2009, **Russell Carollo**, a Pulitzer Prize winning journalist in Pueblo, Colorado, requested from the Department of Homeland Security (DHS) copies of all databases containing information related in any way to travel by DHS employees and/or financed by DHS. This would include, but not be limited to, travel paid for by other entities, public or private.
- On December 16, 2009, **David C. Fowler**, Associate Professor and Head of the Acquisitions Department for the **Knight Library, University of Oregon** in Eugene, Oregon, requested from the Department of Homeland Security (DHS) records for the end of each Fiscal Year (FY) through FY 2009, to include personnel counts for certain investigative occupations in U.S. Citizenship and Immigration Services (USCIS), Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and the Transportation Security Administration (TSA) for occupations in the following series: 0080, 0083, 0085, 1801, 1802, 1810, 1811, 1881, 1884, 1890, 1885, and 1896.
- On December 16, 2009, **Sebastian Mollo** of the **Pharmaceutical Security Institute** in Vienna, Virginia, requested from Immigration and Customs Enforcement (ICE) a detailed inventory of the 39,453 counterfeit pharmaceutical products seized during "Operation Holiday Hoax," which ran from December 8 to December 13, 2009.

### **III. FOIA Appeals**

- NSTR

### **IV. FOIA Releases**

- U.S. Citizenship and Immigration Services (USCIS) administratively closed an October 27, 2009 request from **Shoba Sivaprasad Wadhia**, Director of the **Pennsylvania State University Center for Immigrants' Rights** in University Park, Pennsylvania, in which Ms. Wadhia failed to comply with USCIS's request for clarification of the request, which sought current internal guidance and records regarding the use of prosecutorial discretion.

### **V. Lawsuits:**

- The Department of Homeland Security (DHS) was named as a defendant in *All Party Parliamentary Group on Extraordinary Rendition (UK House of Commons) v. U.S. Department of Homeland Security et al.*, in which Plaintiffs seek the immediate processing and release of agency records requested in their FOIA request pertaining to extraordinary rendition. The DHS Office of Policy (PLCY) is the sole DHS component that has not responded to this request; however, Plaintiffs challenge the Office of Inspector General's (OIG's) withholdings.



## **FOIA Exemptions**

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

**Exemption 2:** internal agency 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

Department of Homeland Security FOIA Activity Reports  
25-December-2009 – 31-December-2010

**FOIA Activity for the Week of December 25, 2009 – January 1, 2010**

**Privacy Office**

**January 4, 2009**

**Weekly FOIA Report**

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

- Chief FOIA Officer Mary Ellen Callahan's memorandum regarding proactive disclosure and departmental compliance was published to the National Archives and Records Administration, Office of Government Information Services website at <http://www.archives.gov/ogis/foia-activities.html>; Internet, accessed January 4, 2010.
- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room twenty-four detention facility reviews conducted by the ICE Office of Detention and Removal Operations.

**II. FOIA Requests**

- On December 29, 2009, **Tegan Millspaw**, a representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following: 1) All records of meetings and/or communications between ICE and non-governmental organizations concerning parole policy for asylum seekers, and 2) All records concerning the decision to revise ICE's policy for arriving aliens with credible fear claims.
- On December 29, 2009, **Tegan Millspaw**, a representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following: 1) All records of ICE's policies on establishing the identity of aliens who do not possess valid identity documents, 2) A copy of ICE's Record of Determination/Parole Determination Worksheet, and 3) All statistical reports on parole requests received from arriving aliens found to have a "credible" fear or persecution of torture.
- On December 30, 2009, **Sean Riordan**, a staff attorney with the **American Civil Liberties Union**, in San Diego, California, requested from U.S. Immigration and Customs Enforcement (ICE) copies of any records pertaining to the California Enforcement Operation.

Late Entries

- On November 13, 2009, the Transportation Security Administration (TSA) referred to U.S. Customs and Border Protection (CBP) four (4) pages of a significant report responsive to a May 3, 2007 request from **Jim Kiertzner**, a reporter with **WDIV-TV4** in Detroit, Michigan, who seeks records related to an incident on Northwest Airlines Flight 57 from Amsterdam to Memphis on April 21, 2007. Prior to referring this request to CBP, TSA released to WDIV-TV4 eighteen (18) pages of records with



certain information withheld pursuant to FOIA Exemptions (b)(2), (b)(3), (b)(6), and (b)(7)(C).

- On December 15, 2009, **Stephen Tait**, a reporter with the *Times Herald*, in Port Huron, Michigan, requested from U.S. Customs and Border Protection (CBP) any video that depicts the December 1, 2009, detainment and/or arrest of (b) (6) on or near the Blue Water Bridge, including footage of the events leading up to his detention and/or arrest.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On December 30, 2009, the Office of Inspector General (OIG) released an interim response to David Shapiro, with the National Prison Project of the **American Civil Liberties Union**, in Washington, D.C., to include approximately 294 pages of records. Portions were withheld under FOIA Exemptions (b)(2), (b)(6), and (b)(7)(C).
- On December 31, 2009, U.S. Immigration and Customs Enforcement (ICE) released information to David Shapiro, with the National Prison Project of the **American Civil Liberties Union**, in Washington, D.C., to include 1,412 pages of medical records related to six detainees that died while in ICE custody between July, 2007, and the present. Portions were withheld under FOIA Exemptions (b)(2)high, (b)(5), (b)(6), and (b)(7)(C).

### V. Lawsuits:

- In the matter of the *National Immigration Law Center v. Department of Homeland Security* (USDC CD California 08-07092), U.S. Immigration and Customs Enforcement (ICE) made its third supplemental release of records to plaintiffs. ICE is currently preparing the fourth supplemental response. A Joint Status Conference is scheduled for January 12, 2010.

## **FOIA Exemptions**

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of January 1 - 7, 2010

### Privacy Office

January 11, 2009

### Weekly FOIA Report

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

- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room the 2006, 2007, and 2008 Haitian Refugee Immigration Fairness Act (HRIFA) Annual Reports. These reports respond to the requirements contained in Sections 903 and 904 of the HRIFA, P.L. 105-277, comprised of data with respect to detainee asylum and non-asylum seekers.

#### II. FOIA Requests

- On January 4, 2010, **Ashley Hulebner**, an attorney with the **National Immigration Justice Center**, in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) copies of policies pertaining to Tier III terrorist organizations.
- On January 5, 2010, **Ted Bridis**, a news editor with *The Associated Press*, in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all communications directing DHS FOIA staff to amend the protocol of processing requests or relating to the involvement of the Front Office and staff members in the review, approval, and formulation of FOIA responses.
- On January 5, 2010, **Michael Ravnitzky** from Silver Spring, Maryland, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to eleven prior Ravnitzky FOIA requests to USCIS.
- On January 5, 2010, **Sean Riordan**, a staff attorney with the **American Civil Liberties Union**, in San Diego, California, requested from U.S. Immigration and Customs Enforcement (ICE) copies of any records pertaining to the Secure Communities Program in San Diego County in May, 2009, and in Imperial County in September 2009.
- On January 6, 2010, **Larry Barker**, an investigative reporter with *KRQE News 13/KASA Fox 2*, in Albuquerque, New Mexico, requested from the United States Coast Guard (USCG) records regarding USCG aircraft VC-37A flights to and from any airports in New Mexico as well as the purpose of the flights, flight logs, and passenger manifests from January 1, 2009, to the present.
- On January 6, 2010, **Charles McLavy**, a reporter for *Inside Edition* in New York City, New York, requested from U.S. Customs and Border Protection (CBP) copies of any documents, videotapes, cassettes, or photographs that CBP has regarding the now deceased Michael Joseph Jackson.



- On January 6, 2010, **Dianne Solis**, a senior writer for *Dallas Morning News*, in Dallas, Texas, requested from the United States Citizenship and Immigration Services (USCIS) statistics for individuals who have been denaturalized from October 1, 2000, to the present, to include countries they entered from and were sent back to.

#### Late Entries

- On December 14, 2009, **Veena Dubal**, a staff attorney for the **Asian Law Caucus**, in New York City, New York, requested the following from U.S. Customs and Border Protection (CBP): 1) The February 2006 ICE memo authored by (b) (6) regarding federal agencies' creation and use of internal lists of "special interest countries," 2) Any documentation regarding the existence of any proposed list(s) of countries classified as "special interest countries," 3) Any documentation regarding the existence of any proposed list of countries used for national security purposes, and 4) Any and all documentation regarding the definition of "special interest alien."
- On December 28, 2009, **Camaron Abundes**, a reporter for *KRGV-TV*, in Weslaco, Texas, requested from U.S. Customs and Border Protection (CBP) copies of emails, records, videos, call logs, or other documentation in reference to a bomb threat on December 25, 2009, at the Hidalgo International Bridge in Hidalgo, Texas.
- On December 28, 2009, **Brian Joseph**, a staff reporter with *The Orange County Register*, in Sacramento, California, requested from the United States Coast Guard (USCG) records regarding the collision of a Coast Guard helicopter and Marine Corps helicopter on October 29, 2009.
- On December 31, 2009, **Laurence Jarvik**, an individual from Washington, D.C., requested from the Department of Homeland Security (DHS) and United States Citizenship and Immigration Services (USCIS) policies and procedures to authorize persons accused as terrorists to reside in the United States.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- NSTR

### V. Lawsuits:

- In the matter of the *National Immigration Law Center v. Department of Homeland Security* (USDC CD California 08-07092), U.S. Immigration and Customs Enforcement (ICE) made its third supplemental release of records to plaintiffs. ICE is currently preparing the fourth supplemental response. A Joint Status Conference is scheduled for January 12, 2010.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of January 8 - 14, 2010

Privacy Office

January 18, 2009

### Weekly FOIA Report

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

- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room 13 detention facility inspections conducted by the ICE Office of Detention and Removal Operations.

#### II. FOIA Requests

- On January 11, 2010, **Brian Brady**, a representative of *The Independent* in London, England, requested from the Department of Homeland Security (DHS) access to and copies of all documents, including meeting reports, minutes, emails, official communications and representations relating to the G6 and United States Counter-Terrorism Symposium in Bonn, Germany on September 26 and 27, 2008. Also requested were full details of the four substantive discussion sessions: 1) General aspects of counter-terrorism (prevention, countering radicalization, criminal law and law on threat prevention), 2) Remote searches of computer hard drives, 3) Diplomatic assurances, and 4) Right to self-defense.
- On January 11, 2010, **Eileen Sullivan**, a reporter with the *Associated Press* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of Freedom of Information Act requests to the Department and its components since January 1, 2010.
- On January 11, 2010, **Larry Barker**, Investigative Reporter for *KRQE News 13 / KASA Fox 2* in Albuquerque, New Mexico, requested from the Department of Homeland Security (DHS) copies of all documents relating to travel to or from New Mexico using government aircraft by Secretary Janet Napolitano, to include schedules, aircraft requests, itineraries, and information relating to accompanying passengers whether they be government employees or private citizens.
- On January 11, 2010, **John Greenwald**, a freelance writer with *The Black Vault* radio network and website, in Northridge, California, requested from United States Citizenship and Immigration Services (USCIS) a copy of the FOIA case log for calendar year 2009.
- On January 11, 2010, **Tegan Millspaw**, a representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) copies of the following: 1) Records concerning the distribution or allocation of T and/or U visas, 2) Records establishing the legal and/or policy basis of eligibility for T and/or U visas, and 3) All statistical records concerning the issuance of T and/or U visas.



- On January 11, 2010, **Tegan Millspaw**, a representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) copies of the following: 1) All records concerning the distribution or allocation of S visas, 2) All records establishing the legal and/or policy basis of eligibility for S visas, and 3) All statistical records concerning the issuance of S visas.
- On January 11, 2010, **Erin Siegal**, a writer for *The Schuster Institute for Investigative Journalism*, in Waltham, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) statistics and data compiled and drawn from the I-600, I-600A, I-800 and I-800A documents filed with USCIS from January 1, 1980 to present in twelve different countries.
- On January 13, 2010, **William Wilson**, president for the **Counsel for Americans for Limited Government**, in Fairfax, Virginia, requested from U.S. Customs and Border Protection (CBP) copies of the following: 1) Records related to the January 5 detention/questioning of (b) (6) to include copies of audio/video recordings, 2) Communications of officers involved in the detention, 3) Field manuals, training guides, or other records pertaining to screening about income, 4) CBP authority to arrest/detain persons, and 5) A list of questions CBP expects people to answer during screening.
- On January 14, 2010, **Jenny Small** of **Judicial Watch, Inc.** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of the following records from May 1, 2008, to December 31, 2009: 1) Any and all records of communications between the U.S. Embassy in Jakarta and/or any other component of the U.S. Department of State and U.S. Citizenship and Immigration Services and/or any other component of the Department of Homeland Security relating to the decisions on (b) (6) Form I-212, and 2) Any and all memoranda and/or communications among Department of Homeland Security officials concerning the decisions on (b) (6) Form I-212.
- On January 14, 2010, **Amy Gooden**, a researcher for the **Democratic Senatorial Campaign Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all direct correspondence between DHS and Governor John Hoeven (R-ND) and/or representatives of his offices, to include letters, reports, requests, and other relevant material.
- On January 14, 2010, **Christopher Jones**, Executive Director of **Florida Institutional Legal Services**, in Gainesville, Florida, requested from the Office Inspector General (OIG) reports of investigation regarding the deaths of two immigration detainees.
- On January 14, 2010, **Tegan Millspaw**, a representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) records pertaining to Mexican Government incursions, encounters, and sightings on the U.S. and Mexico border.

#### Late Entries

- On January 7, 2010, **Emily Carey**, a Program Coordinator with the New Mexico Regional Center for Border Rights, **American Civil Liberties Union**, in Las Cruces, New Mexico, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to policies or procedures on the apprehension, processing, custody, and repatriation of individuals, along with any grievance policies or procedures.
- On January 7, 2010, the Department of Justice referred to the U.S. Immigration and Customs Enforcement (ICE) documents responsive to a request from **Jenny Small** of **Judicial Watch, Inc.**, in Washington, D.C., seeking any and all records pertaining to actual or proposed restrictions on gun ownership.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On January 8, 2010, United States Citizenship and Immigration Services (USCIS) released to **Susan Gamboa** from *The Associated Press*, in Washington, D.C., 1,888 pages of records related to travel records and expense accounts from employees of the Office of Security and Integrity from December 1, 2005, to December 31, 2008. Portions of the response were withheld pursuant to FOIA Exemption 6.

### V. Lawsuits:

- In the matter of the *National Immigration Law Center v. Department of Homeland Security* (USDC CD California 08-CV-07092), U.S. Immigration and Customs Enforcement (ICE) made its fourth supplemental release of records to Plaintiff on January 15, 2010. ICE is currently preparing the fifth supplemental response.
- In the matter of the *National Immigration Law Center v. Department of Homeland Security* (USDC ND California 08-CV-5137), U.S. Immigration and Customs Enforcement (ICE) will make its eleventh and final supplemental release of records to Plaintiff on January 15, 2010.
- In the matter of the *Electronic Frontier Foundation v. Central Intelligence Agency et al.* (USDC ND California 09-CV-03351), the Department of Homeland Security (DHS) made its second supplemental release of records to Plaintiff. Two Intelligence Oversight documents were released to Plaintiff on January 15, 2010, with certain information withheld pursuant to FOIA Exemption 6.
- In the matter of the *Electronic Frontier Foundation v. Department of Defense, Central Intelligence Agency, Department of Homeland Security, Department of Justice, Department of Treasury and Office of the Director of National Intelligence* (USDC ND California 09-CV-05640), a lawsuit was filed on December 1, 2009 in the United States District Court for the Northern District of California, San Francisco Division, Plaintiff seeks

injunctive relief in connection with FOIA requests for information from these agencies concerning the government's use of social-networking websites as investigative, surveillance, and data collection tools. The lawsuit alleges violation of the FOIA for wrongful withholding of agency records, and seeks an order requiring the immediate processing and release of the requested documents. The answer is due February 8, 2010.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of January 9 - 21, 2010

### Privacy Office

January 25, 2009

### Weekly FOIA Report

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

- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room 13 detention facility inspections conducted by the ICE Office of Detention and Removal Operations.

#### II. FOIA Requests

- On January 14, 2010, **Sally Jacobs**, a reporter with *The Boston Globe* in Boston Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) the alien file of Omar Obama.
- On January 15, 2010, **Amy Gooden**, a researcher for the **Democratic Senatorial Campaign Committee**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) copies of all direct correspondence between DHS and Governor John Hoeven (R-ND) and/or representatives of his offices, to include letters, reports, requests, and other relevant material.
- On January 19, 2010, the Department of Homeland Security (DHS) referred to United States Citizenship and Immigration Services (USCIS) a request from **Nancy Morawetz** from **Immigrant Rights Clinic** of New York, New York, requesting any and all documents, to include sufficient information for identification purposes, relating to the return to the United States of those individuals who were removed or left the country voluntarily, whose removal order was vacated or reversed by any federal court or cases reopened by an Immigration Judge or the Board of Immigration Appeals, and for whom DHS facilitated the individual's return to the United States.
- On January 20, 2010, **Penny Starr**, senior staff reporter with *CNSNews.com*, in Alexandria, Virginia, requested from the Department of Homeland Security (DHS) and Customs and Border Protection (CBP) records pertaining to the numbers and countries of origin (COO) of Other than Mexicans (OTMs) detained at the U.S. border or at other checkpoints inside of the United States for 2007, 2008 and 2009 and whether the OTM were returned to their COO or are incarcerated in a U.S. prisons.
- On January 20, 2010, **Scott Learn**, a reporter with *The Oregonian* in Portland, Oregon, requested from the United States Coast Guard (USCG) records regarding the grounding of the vessel NEW DAWN on July 9, 2009 near the mouth of the Hood River.

#### III. FOIA Appeals

- NSTR

**IV. FOIA Releases**

- NSTR

**V. Lawsuits:**

- NSTR



## **FOIA Exemptions**

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of January 22 - 28, 2010

Privacy Office

February 1, 2010

### Weekly FOIA Report

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

- Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room an Excel spreadsheet detailing those detainees that have died while in ICE custody.
- Immigration and Customs Enforcement (ICE) posted charts for the months of March, April, May, and June, 2009 listing the average daily detainee population at various detention facilities.
- Immigration and Customs Enforcement (ICE) posted one detention facility inspection carried out by the Commission on Accreditation for Corrections (ACA) at the Eloy Detention Center in March, 2009.
- Immigration and Customs Enforcement (ICE) posted the Detention and Removal Operations (DRO) Field Policy Manual, which is used as a guide by DRO staff to perform their daily procedures.

#### II. FOIA Requests

- On January 22, 2010, **Steve Emerson**, President of **SAE Productions, Inc.**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) records relating to (b) (6)  
[REDACTED]
- On January 22, 2010, **Jenny Small**, with **Judicial Watch, Inc.**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) copies of communication between the U.S. Embassy and USCIS regarding (b) (6)
- On January 22, 2010, **Susan Carroll** of the **Houston Chronicle** requested from U.S. Immigration and Customs Enforcement (ICE) reports of inspections carried out at six detention facilities between February and October, 2009.
- On January 22, 2010, **Nick Stern** of **The Frederick News-Post** in Frederick, Maryland, requested from U.S. Immigration and Customs Enforcement (ICE) documents listing the addresses and telephone numbers of all detention facilities, processing centers, or other facilities used to hold ICE detainees, suspects or other interested parties in the states of Maryland, Virginia, West Virginia and Pennsylvania.
- On January 25, 2010, **Laurence Jarvik**, an individual from Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) records relating to policies and procedures to approve Islamist

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<sup>1</sup> [\(b\) \(6\)](http://en.wikipedia.org/wiki/>(b) (6))



Extremist Terrorists to immigrate to the U.S. and identities of employees who approved such individuals to immigrate.

- On January 26, 2010, **Sean Riordan**, a staff attorney with the **American Civil Liberties Union of San Diego & Imperial Counties (ACLU)**, in San Diego, California, requested from U.S. Customs and Border Protection (CBP) records that establish procedures for repatriation of Mexican Nationals, created from January 1, 2000 to the present, to specifically include a document titled *Local Arrangement for Repatriation of Mexican Nationals*.
- On January 26, 2010, **Sean Riordan**, a staff attorney with the **American Civil Liberties Union of San Diego & Imperial Counties (ACLU)**, in San Diego, California, requested from U.S. Immigration and Customs Enforcement (ICE) a document titled “Local Arrangement for Repatriation of Mexican Nationals” signed by ICE and/or ICE and U.S. Customs and Border Protection and the Mexican Consulate of San Diego on December 18, 2008. In addition, Mr. Riordan requested any other documents created from January 1, 2000 to the present that establish the procedures for repatriation of Mexican Nationals in San Diego and Imperial Counties.
- On January 27, 2010, U.S. Customs and Border Protection (CBP) referred to the Department of Homeland Security (DHS) records responsive to the request of **Emily Carey** of the **American Civil Liberties Union of New Mexico (ACLU-New Mexico)** in Las Cruces, New Mexico, who sought records of policies and procedures relating to the following: 1) CBP apprehension of immigrants, 2) Processing and custody of individuals, 3) Repatriation of individuals from CBP custody, and 4) Grievances filed with CBP regarding treatment while in custody.
- On January 27, 2010, **John Cook** of **Gawker Media**, in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) copies of FOIA requests submitted by persons claiming to represent or work for the *New York Times* or *The Associated Press* between January 1, 2005 and January 13, 2010.
- On January 27, 2010, **Greg Harman** of the *San Antonio Current* in San Antonio, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) any documents related to ICE investigations related to allegations of abuse, lack of medical care, and failure to provide access to legal assistance at the Port Isabel Detention Center since June 1, 2009. In addition, Mr. Harman is seeking information provided to Amnesty International or any federal or state regulatory body related to detainee complaints during this time period originating at Port Isabel and all documents related to the current detainee quarantine related to flu-like and H1N1 surveillance.
- On January 28, 2010, **Tegan Millspaw** of **Judicial Watch, Inc.** in Washington, D.C., requested from the Department of Homeland Security (DHS) a copy of the Transition Team Report prepared for the Obama administration.



- On January 29, 2010, **John Cook** of **Gawker Media** in New York, New York, requested from the Department of Homeland Security (DHS) copies of FOIA requests submitted by persons claiming to represent or work for the *New York Times* or *The Associated Press* between January 1, 2005 and January 13, 2010, as well as copies of all correspondence between DHS and those persons (excluding responsive documents). This information was also requested of the U.S. Coast Guard on January 13, 2010.

Late Entry:

- On January 14, 2010, **Zachary Roth** of **Talking Points Memo** in New York, New York, requested from the Department of Homeland Security (DHS) copies of any communications or other records or documents, including those that may have been generated in local offices, pertaining to the decision to subpoena the Internet writers, (b) (6) in the last week of 2009, after they posted a national security directive on new security procedures. This is to specifically include access to any discussion leading up to or reacting to that decision and also to the decision to withdraw the subpoenas. This request was referred to the Transportation Security Administration (TSA) on January 21, 2010.

### III. FOIA Appeals

Late Entries:

- On January 6, 2010, **Jenny Small**, from **Judicial Watch** in Washington, D.C., appealed the response from United States Customs and Border Protection (CBP) to their request relating to the Operation Against Smugglers (and Traffickers) Initiative on Safety and Security (OASISS) within the time frame from January 2008 to present.
- On January 15, 2010, **Nora Preciado**, a Staff Attorney with **The National Immigration Law Center** in Los Angeles, California, appealed the response from United States Customs and Border Protection (CBP) to their request relating to certain law enforcement operations conducted by CBP from November 2008 through February 2009 in and around Riverside County in California.

### IV. FOIA Releases

- NSTR

### V. Lawsuits:

- In the matter of *All Party Parliamentary Group on Extraordinary Rendition et al. v. Department of Defense et al.*, 09-CV-02375-RMU, on January 25, 2010, the Department of Homeland Security (DHS) issued a partial “no record” determination on behalf of the following DHS components: U.S. Citizenship and Immigration Services (USCIS), the Office of Civil Rights and Civil Liberties (CRCL), the U.S. Coast Guard (USCG), U.S. Customs and Border Protection (CBP) and the National Protection and Programs Directorate (NPPD). On January 29, 2010, the

Plaintiffs issued a notice under Federal Civil Rules and Procedures Rule 44.1 of the intent to raise an issue concerning foreign law relating to Plaintiff's three Causes of Action against the Central Intelligence Agency and the DHS Office of Intelligence and Analysis (I&A) concerning the decision that the Plaintiffs are "government entities" or "representatives of government entities" within the meaning of 5 U.S.C. § 552(a)(3)(E).

- In the matter of the *Electronic Frontier Foundation v. Central Intelligence Agency et al.*, 09-CV-03351, the Department of Homeland Security (DHS) will make its final release of records on February 1, 2010. This release will include additional Intelligence Oversight Board (IOB) report documents located as a result of continued searches within the Office of Intelligence and Analysis for responsive records. Certain information will be withheld pursuant to FOIA Exemptions 1, 2, 6, 7C, and 7E.
- In the matter of *Judicial Watch v. U.S. Secret Service*, 09-CV-02312, responses to post trial motions were filed January 20, 2010. The Plaintiff is challenging the U.S. Secret Service (USSS) response to their FOIA request seeking "[a]ll official visitor logs and/or other records concerning visits made to the White House from January 20, 2009 to the present." The USSS responded that the records sought were Presidential Records under the Presidential Records Act, and the request was referred to White House Counsel's Office.

## **FOIA Exemptions**

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

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

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of January 29 - February 4, 2010**  
**Privacy Office**  
**February 8, 2009**  
**Weekly FOIA Report**

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

- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room: FY 2009 DHS FOIA Annual Report, an Excel Spreadsheet listing detainees that have died while in ICE custody, an Excel spreadsheet listing the average daily population at various Intergovernmental Service Agreement and contract detention facilities in the United States, and 16 contracts.
- Federal Emergency Management Agency (FEMA) posted to its FOIA Reading Room contracts.

**II. FOIA Requests**

- On January 29, 2010, **Susan Gvozdias Schept**, Deputy News Editor of the *Navy Times*, in Springfield, Virginia, requested from United States Coast Guard (USCG) all documents pertaining to the midair collision between a Coast Guard and Marine helicopter on October 29, 2009.
- On January 29, 2010, **Susan Gvozdias Schept**, Deputy News Editor of the *Navy Times*, in Springfield, Virginia, requested from United States Coast Guard (USCG) all documents concerning a collision between a Coast Guard boat and the vessel THRILLER resulting in two injuries on December 5, 2009.
- On January 29, 2010, **Susan Gvozdias Schept**, Deputy News Editor of the *Navy Times*, in Springfield, Virginia, requested from United States Coast Guard (USCG) all documents concerning an accident involving a Coast Guard patrol boat and the vessel SEA RAY resulting in casualties on December 20, 2009 in San Diego, California.
- On February 1, 2010, **Charles McLravy**, a producer with *Inside Edition*, in New York, New York, requested from Immigration and Customs Enforcement (ICE) copies of any documents that relate to U.S. Customs communications with the FBI's investigation of Michael Jackson for child pornographic charges.
- On February 2, 2010, **Erin Siegal**, an investigative journalist with **Schuster Institute for Investigative Journalism**, in Oakland, California, requested from the Department of Homeland Security (DHS) records related to DNA fraud in the adoptions of Guatemalan children by U.S. citizens between 2004 and the present.
- On February 2, 2010, **Dianne Solis**, a senior writer with the *Dallas Morning News*, in Dallas, Texas, requested from Immigration and Customs Enforcement (ICE) records relating to the number and nationalities of those who have been denaturalized since Oct. 1, 2000 to

the present, which countries they originated from, and which countries they were deported to.

- On February 3, 2010, **Daniel Gluck**, a senior staff attorney with the *American Civil Liberties Union*, in Honolulu, Hawaii, requested from Immigration and Customs Enforcement (ICE) records pertaining to interactions with the Maui Police Department ("MPD"), or any MPD employee, or the County of Maui.
- On February 3, 2010, **Christopher Hinton**, a, Aerospace, airlines and defense reporter with *Market Watch*, in New York, New York, requested the following from Transportation Security Administrations (TSA): 1) Records regarding monthly and yearly confiscation of concealed prohibited items, 2) Records regarding monthly and yearly firearms found at checkpoints, and 3) Records regarding passengers arrested after investigations or from carrying fraudulent travel documents.
- On February 3, 2010, **David Nachman**, Counsel at **DLA Piper**, in New York, New York, requested the following from the Department of Homeland Security (DHS), Customs and Border Protection (CBP), and United States Immigration and Customs Enforcement (ICE): 1) Records related to the steps taken by the DHS to implement the provisions of Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (codified at 8 U.S.C. § 1232) ("TVPPRA"), and 2) Records relating to the number and demographic profile of unaccompanied alien children ("UACs") detained and repatriated by DHS.
- On February 3, 2010, **Jennie Pasquarella**, a staff attorney with the **American Civil Liberties Union** of Southern California (ACLU) in Los Angeles, California, requested the following from the Department of Homeland Security (DHS), Customs and Border Protection (CBP), United States Immigration and Customs Enforcement (ICE) and Transportation Security Administration (TSA): 1) records relating to the feral government's role in the detention and torture of (b) (6) 2) Records pertaining to (b) (6) and 3) Records pertaining to (b) (6)
- On February 4, 2010, **Steven Aftergood**, a representative of **Federation of American Scientist**, in Washington, D.C., requested from the Department of Homeland Security (DHS) a copy of any written reply that may have been prepared in response to Rep. King's December 9, 2009 letter.
- On February 4, 2010, **Ashley Kahn**, an individual from Evanston, Illinois, requested from the U.S. Secret Service (USSS) copies of any correspondence between Barack Obama and the USSS pertaining to the use of his Blackberry smart phone.

#### Late Entry

- On January 21, 2010, **Alexander Nicholson**, Executive Director of **Servicemembers United**, in Washington, D.C., requested from United



States Coast Guard (USCG) the total number of service personnel separated from the USCG under the Homosexual Conduct Policy during fiscal year 2009.

### III. FOIA Appeals

- NSTR

#### FOIA Releases

- On February 1, 2010, Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, an Immigration Reporter with the *Houston Chronicle*, in Houston, Texas, an Excel spreadsheet data file listing the average detainee population at various Intergovernmental Service Agreement and contract detention facilities in the United States. This file was released in its entirety.
- On February 2, 2010, Immigration and Customs Enforcement (ICE) released to **Michelle Roberts**, a representative of *The Associated Press*, in San Antonio, Texas, 569 pages of e-mail correspondence between senior ICE staff regarding the public announcement in August, 2009 of 10 additional ICE detainee deaths. Portions of the response were withheld pursuant to FOIA exemptions (b)(2)High, (b)(5), (b)(6), and (b)(7)(C).
- On February 2, 2010, Office of Inspector General released to **Brooke Williams**, of *The Watchdog Institute*, in San Diego, California, 24 pages of an OIG report of investigation pertaining to California wildfires. Portions of the response were withheld pursuant to FOIA exemptions (b)(4), (b)(6), and (b)(7)(C).
- on February 2, 2010, United States Coast Guard (USCG) released to **Elliot Spagat**, of *The Associated Press*, in San Diego California, 0 pages of records pertaining to an incident involving a Coast Guard boat and the vessel SEA RAY on December 20, 2009. These pages were withheld in full pursuant to FOIA Exemption(s) (b)(5) and (b)(7)(a).

### IV. Lawsuits

- In the matter of XXXXXXXXXXXXX v. IRS and ICE ??? (USDC DC 09-2405), Carmen Urdaneta and Alan Azpurua filed suit against alleging ICE improperly withheld information pertaining to the seizure of money from Plaintiffs' accounts under FOIA Exemption 7(A). ICE expects to file an answer in this case at the end of February.
- In the matter of XXXXXXXX v. ??????? (USDC DC 09-2375), All Party Parliamentary Group on Extraordinary Rendition filed suit against the U.S. Department of Defense (DoD), the U.S. Department of Justice (DOJ), the U.S. Department of State (DOS), the U.S. Central Intelligence Agency (CIA), and the U.S. Department of Homeland Security (DHS), alleging that the United States improperly withheld documents. ICE is preparing a declaration in support of summary judgment.
- In the matter of Laura Stefani, Monique Medley, and Allison Davis vs. Federal Emergency Management Agency, et al. (DOCKET NUMBER), plaintiffs are appealing the agency's search of responsive documents that



were provided under their FOIA requests. The Disclosure Office is conducting an additional search and has tasked all noted persons and program offices listed within the appeal letters.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of February 5 - 11, 2010**  
**Privacy Office**  
**February 16, 2009**  
**Weekly FOIA Report**

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

- NSTR

**II. FOIA Requests**

- On February 03, 2010, **Coral Sobret Cope**, an individual in Coral Gables, Florida, requested from the United States Coast Guard (USCG) records regarding the hijacking and murders aboard the "Joe Cool" vessel in September 2007.
- On February 5, 2010, **Jennifer Latson**, a journalist with the *Houston Chronicle*, in Houston, Texas requested from the United States Coast Guard (USCG) copies of any reports related to the January 23, 2010 shipping channel collision and oil spill in Port Arthur, Texas.
- On February 10, 2010, **Michael Mendelsohn**, an Associate Producer with *ABC News 20/20*, in New York, New York, requested from the United States Coast Guard (USCG) records relating to the matter of the *United States of America v. Marcus Schrenker* (USDC N.D.Fl. 3:09-mj-0005-MD), in which the USCG alleged that the defendant intentionally destroyed an aircraft and sent a false distress signal.

**III. FOIA Appeals**

- NSTR

**FOIA Releases**

- NSTR

**IV. Lawsuits**

- In the matter of *Carmen Urdaneta, et. al., v. Internal Revenue Service and US Immigration & Customs Enforcement* ( USDC DC 1:09-cv-2405), Carmen Urdaneta and Alan Azpurua filed suit alleging ICE improperly withheld information pertaining to the seizure of money from Plaintiffs' accounts under FOIA Exemption 7(A). ICE expects to file an answer in this case at the end of February.
- In the matter of *Allison Davis et.al., vs. Federal Emergency Management Agency, et al.* (USDC DC 1:09-cv-02046), plaintiffs are appealing the agency's search of responsive documents that were provided under their FOIA requests seeking copies of records relating to the discontinuation their respective positions. The Disclosure Office is conducting an additional search and has tasked all noted persons and program offices listed within the appeal letters.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of February 12 - 18, 2010

Privacy Office

February 22, 2009

### Weekly FOIA Report

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

- NSTR

#### II. FOIA Requests

- On February 13, 2010, **Terrence O'Connell**, an individual in Detroit, Michigan, requested from U.S. Customs and Border Protection (CBP) reports of the investigation of four or five alleged Saudi Arabian males arriving on Northwest Flight 243 [sic] from Amsterdam to Detroit Metropolitan Airport on the afternoon of January 12, 2010.
- On February 16, 2010, **John Althen**, a representative of the **Judicial Watch, Inc.** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) all statistical records concerning human smuggling at the Tucson Sector from FY 2008-2009.
- On February 16, 2010, **Bryan Denson**, a reporter with *The Oregonian* in Portland, Oregon, requested from the Department of Homeland Security (DHS) the following records: 1) The full name of the agent or operator of the Foreign-Trade Zones (FTZ), 2) The physical address of the FTZ (the facility address), 3) The mailing or business address of the company that operates the FTZ, and 4) The phone number of the FTZ or phone number of the operator.
- On February 16, 2010, **Steven Emerson**, President of *SAE Productions* in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records related to the Secretary's January 28, 2010 meetings with faith-based and community organizations: 1) Copies of any reports, memos, emails or other internal Department of Homeland Security documents related to the meeting; 2) Any documents identifying participants of the meeting and their organizational affiliation and any evaluation forms / reports executed by meeting participants in agency possession; 3) Copies of any attendee evaluation forms / documents that may have been prepared resulting from this session (minus attendee identity information, if deemed necessary); 4) Copies of any audio and/or video presentations/ recordings presented at or made during the meeting; and 5) Copies of any/all such records enumerated in 1-4 (above) related to any such meetings the Secretary has had with leaders of any other faith or community-based groups.
- On February 16, 2010, **Karyn Leibovich**, with the *Oprah Winfrey Show* in Chicago, Illinois, requested from the United States Coast Guard



(USCG) records regarding the Nick Schuyler investigation involving NFL players missing in Tampa, Florida in February 2009.

- On February 16, 2010, **Fred Lucas**, a reporter with *Cybercast News Service* in Detroit, Michigan, requested from U.S. Customs and Border Protection (CBP) records related to the arrest of Umar Farouk Abdulmutallab, to include the following records; 1) Whether or not and when to read Miranda rights to Umar Farouk Abdulmutallab, 2) Whether or not to try Umar Farouk Abdulmutallab as a criminal, 3) Whether or not to try Umar Farouk Abdulmutallab as an enemy combatant, 4) The protocol followed during Umar Farouk Abdulmutallab's arrest, 5) Preparing Umar Farouk Abdulmutallab's criminal complaint, 6) Umar Farouk Abdulmutallab's indictment, and 7) Immediate security-related response to Umar Farouk Abdulmutallab's arrest.
- On February 16, 2010, **Scott MacFarlane**, a correspondent for *COX Television* in Washington, D.C., requested from the Office of Inspector General's (OIG's) copies of reports issued by OIG in its investigation of the requested from the United States Coast Guard's (USCG) 2006 "West Coast Aids to Navigation" conference in Everett, WA, referenced in OIG report #10-19.
- On February 16, 2010, **Alison Parker**, Acting Director of **Human Rights Watch** in San Francisco, California, requested from Immigration and Customs Enforcement (ICE) a data sheet with information pertaining to alien detainees transferred between detention facilities from October 1, 1998 until the present
- On February 16, 2010, **Michael Ravnitzky**, an individual from Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of each substantial report from the Department of Homeland Security to Congress or a Congressional Committee (i.e. not just a response to an individual legislative inquiry) between January 1, 2008 and the present, and which is not published on the DHS website.
- On February 17, 2010, **Russ Ptacek**, an investigative reporter with *NBC Action News* in Kansas City, Missouri, requested from the Federal Emergency Management Agency (FEMA) the results of the 2009 Beryllium Exposure Assessment at the Bannister Federal Complex.
- On February 17, 2010, **Julie Patel**, a reporter with the *Sun Sentinel* in Fort Lauderdale, Florida, requested from the Federal Emergency Management Agency (FEMA) the wages of the top ten highest paid employees of the National Flood Insurance Program, including their titles, total wages in 2009 and overtime.
- On February 18, 2010, **Amy Gooden**, a representative of the **Democratic Senatorial Campaign Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of correspondence from lobbyist and former Senator Daniel R. Coats (R-IN), from 2003 to the present.
- On February 19, 2010, **Zach Edwards**, an individual in Des Moines, Iowa, requested from the Department of Homeland Security (DHS)



correspondence to or from Governor Rick Perry (R-TX) since January 1999.

- On February 19, 2009, the Department of Justice/FBI referred to the Department of Homeland Security (DHS) several documents responsive to a request from **Timothy Kehrer**, a representative of the **Democratic Senatorial Campaign Committee** in Washington, D.C., seeking correspondence and other information requested by or provided to the following: 1) Roy Blunt (R- MO), 2) Mike Castle (R-DE), 3) Dean Heller (NV-R), 4) Paul Hodes (D-NH), 5) Peter T. King (R-NY), 6) Mark Kirk (R- IL), 7) Ron Klein (D-FL), 8) Charles Melancon (D-LA), 9) Ron Simmons (R-CT), and 10) Patrick J. Toomey (R-RI)

#### Late Entries

- On January 30, 2010, **Barbara Ciara**, President of UNITY Journalists of Color Broadcast Journalist, **WTKR News Channel 3** in Norfolk, Virginia, requested from the Transportation Security Administration (TSA) a copy of the following records regarding a TSA employee at Norfolk International Airport: 1) How many EEO or harassment complaints have been filed against them in the past five years, 2) What was the outcome of the closed cases, 3) What is the status of any open harassment complaints against the individual, 4) What is the status of the investigation involving the individual declining a second screening while traveling as a civilian into OLF last Wednesday January 20, 2010, 5) Copies of the closed harassment complaints and outcomes, and 6) The videotape of the individual clearing security as a civilian traveler on Wednesday, January 20, 2010.
- On February 3, 2010, **Jennie Pasquerella**, Staff Attorney for the **American Civil Liberties Union of Southern California** (ACLU-SC) in Los Angeles, California, requested from the Department of Homeland Security (DHS) and its components, U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the Transportation Security Administration (TSA), and the Office of Intelligence and Analysis (OI&A), copies of records from January 1, 1998 to the present, relating to or concerning four individuals who were allegedly under surveillance, monitored, investigated, and/or tortured.
- On February 3, 2010, **David Nachman** of **DLA Piper, LLP** in New York, New York, requested from the Department of Homeland Security (DHS) and its components, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) records from January 1, 2007 to the present, including the following: 1) All records that reflect the means by which DHS makes age determinations of aliens who may be unaccompanied alien children (UACs); 2) All records that reflect training provided to DHS personnel in connection with making determinations called for by Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), codified at 8 U.S.C. § 1232; 3) All records that relate to “specialized training” that the Secretary

“shall provide” and/or has provided, as called for by TVPRA; 4) All records related to any pilot program created or any pilot program that has been proposed; 5) All records that relate to procedures or protocols regularly used in the course of determining (a) whether to repatriate Mexican-national UACs or any UACs to a contiguous country (a) carrying out repatriation of UACs to any contiguous country and/or (c) since January 1, 2009, making the determinations and performing of screenings called for by TVPRA; 6) All records reflecting the policy or practice concerning transfer of Mexican-national UACs apprehended by DHS to the custody of the Department of Health and Human Services; and 7) All records that report on (a) the number of Mexican-national UACs detained by DHS at a land border or port of entry, (b) the number of Canadian-national UACs detained by DHS at a land border or port of entry, (c) the number of UACs repatriated from the United States to Mexico, (d) the number of UACs repatriated from the United States to Canada, (e) the number of UACs transferred to the custody of the Department of Health and Human Services, and (f) statistical information concerning nationality, age, and gender of such UACs, as well as locations where such UACs were apprehended and locates to which they were repatriated.

- On February 3, 2010, **Christopher Hinton**, an aerospace, airlines and defense reporter for *MarketWatch* in New York, New York, requested from the Department of Homeland Security (DHS) copies of historical data maintained by the Transportation Security Administration (TSA), to include monthly and yearly confiscation of concealed prohibited items and firearms found at checkpoints, as well as passengers arrested after investigations or from carrying fraudulent travel documents.
- On February 4, 2010, **Steven Aftergood** of the **Federation for American Scientists** in Washington, D.C., requested from the Department of Homeland Security (DHS) a copy of any written reply that DHS may have prepared in response to a letter from Representative Peter King (R-NY-3) and two other members of the House Homeland Security Committee to Secretary Janet Napolitano, posing several questions about the Department’s views concerning an inadvertent publication of a Transportation Security Administration (TSA) manual on security screening of commercial airlines. NOTE: When advised that the response to Rep. King’s letter was a draft, Aftergood withdrew his request, indicating he will resubmit this request at a later time.
- On February 4, 2010, **John Althen** of **Judicial Watch, Inc.** in Washington, D.C., requested from the Department of Homeland Security (DHS) any and all records concerning, regarding, or relating to the February 4, 2010 meeting between Democratic Members of the Committee on Homeland Security and Secretary of Homeland Security Janet Napolitano, as referenced in a February 3, 2010 article published by *Politico*.
- On February 4, 2010, **John Cook** a reporter with *Gawker Media* in New York, New York, requested from Federal Emergency Management



Agency (FEMA), all FOIA requests submitted by the New York Times or the Associated Press between January 1, 2005 and January 13, 2010.

- On February 12, 2010, **Matthew S. Bowman** of the **Alliance Defense Fund** in Washington, D.C., requested, on behalf of Pro-Life Wisconsin, records from the Department of Homeland Security (DHS), to include copies of a report prepared in February 2009 by the Office of Intelligence and Analysis (OI&A) representative to the State of Wisconsin Fusion Center, in the nature of a threat assessment regarding a local demonstration by pro- and anti-abortion groups in Middleton or Madison, Wisconsin.
- On February 12, 2010, **Jacqueline Stevens**, visiting scholar of the **Center for the Study of Law and Society, Berkeley Law School** in Berkeley, California, requested from the Department of Homeland Security (DHS) copies of all correspondence to and from the "USC Claims DRO" email box, to include correspondence from all addresses to which messages from the email box are forwarded, as well as notes, memorandums, reports, and all other material generated in response to messages sent to the email box.
- On February 12, 2010, **Scott MacFarlane**, Washington Correspondent for **Cox Television** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all electronic mail (emails) exchanges between staffers or managers with U.S. Customs and Border Protection (CBP) and staffers with the offices of Senator Robert Byrd (D-WV) in 2009 and 2010.
- On February 12, 2010, **Bridget Kessler**, Clinical Teaching Fellow for the **Cardozo School of Law, Immigration Justice Clinic**, in New York, New York, requested, on behalf of the National Day Laborer Organizing Network, the Center for Constitutional Rights, a broad range of records from the Department of Homeland Security (DHS) relating to the Secure Communities program.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On February 5, 2010, the Office of Inspector General's (OIG) released to **David Shapiro**, an attorney with the **American Civil Liberties Union**, 33 pages of investigative records pertaining to individuals who died in immigration detention. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), (b)(7)(A) and (b)(7)(C).
- On February 9, 2010, United States Citizenship and Immigration Services (USCIS) released to **Nicholas Phillips**, from **Riverfront Times**, in St. Louis, Missouri information regarding (b) (6). Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On February 18, 2010, the Department of Homeland Security (DHS) Management Directorate released to **Michael Ravnitzky**, 31 pages of



records regarding mandatory declassification review policies. No information was withheld.

**V. Lawsuits**

- NSTR

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of February 19 - 25, 2010

Privacy Office

March 1, 2010

### Weekly FOIA Report

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

- U.S. Immigration and Customs Enforcement (ICE) created a new section of their FOIA Reading Room intended for proactive disclosures. ICE will readily and systematically post documents to this webpage in advance of any public requests. These will include historically daily schedules of senior agency officials, contracts, management directives, congressional correspondence, FOIA logs, and any records released pursuant to the FOIA that have been, or are likely to become, the subject of three or more requests.
- U.S. Immigration and Customs Enforcement (ICE) is working on an electronic FOIA Request Submission Form to be posted on their website with which requesters will be able to submit FOIA requests.

#### II. FOIA Requests

- On February 19, 2010, **Sunita Patel**, staff attorney with the **Center for Constitutional Rights** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) any and all records, received, maintained, or created by any government agency or subdivision related to the policies, procedures or objectives of Secure Communities, including documents created prior to March 28, 2008.
- On February 22, 2010, **Dianne Solis**, a senior writer with the **Dallas Morning News** in Dallas, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the number and nationalities of those who have been denaturalized since October 1, 2000.
- On February 22, 2010, **Sebastian Montes**, with **The Gazette** in Gaithersburg, Maryland, requested from United States Citizenship and Immigration Services (USCIS) a copy of an individual's Alien File. This request was submitted on behalf of an individual facing deportation.
- On February 23, 2010, **Jim McElhatton**, of **The Washington Times** in Alexandria, Virginia, requested from the United States Secret Service (USSS) copies of the dates, destinations, and costs of travel for Secret Service agents from January 20, 2009 to the present, to protect former Presidents James E. Carter (D-39), George H.W. Bush (R-41), William J. Clinton (D-42) and George W. Bush (R-43).
- On February 24, 2010, **Sebastian Montes**, a reporter with **The Gazette** in Gaithersburg, Maryland, requested from U.S. Immigration and Customs Enforcement (ICE) information relating to queries to the Law Enforcement Support Center made by Montgomery County law enforcement agents between February 11, 2009 and February 11, 2010.



- On February 24, 2010, **Manuel Valdes**, a writer with the *Associated Press* in Seattle, Washington, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) 1,600 I-9 audits served to employers by ICE starting in July, 2009; 2) Copies of all audits announced and completed in the United States between July 1, 2009 and January 31st, 2010.
- On February 24, 2010, **Amy Gooden**, a representative of the **Democratic Senatorial Campaign Committee**, in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) any reports, investigations, citations or enforcement actions involving the following companies and individuals: 1) The Archon Corporation (Nevada); 2) Hacienda Hotel (Las Vegas, Nevada); 3) Santa Fe Station Hotel and Casino (Nevada); 4) Pioneer Hotel & Gambling Hall (Laughlin, Nevada); 5) Sahara Resorts (Las Vegas, Nevada); 6) (b) (6) (of Los Vegas, Nevada); 7) (b) (6) (of Las Vegas, Nevada).
- On February 24, 2010, **Amy Gooden**, a representative of the **Democratic Senatorial Campaign Committee**, in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) documents involving any reports, investigations, citations or enforcement actions involving the following companies and individuals: 1) Daley Outdoor Services (Merrimack, NH) and 2) (b) (6) (Nashua, NH).
- On February 24, 2010, **Jeremy Roebuck**, a reporter with *The Monitor* in McAllen, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) any documentation regarding the human trafficking investigation of (b) (6) by agents in San Antonio, Texas.
- On February 24, 2010, **Emily Aden**, researcher with the **Democratic Senatorial Campaign Committee** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) correspondence between John Boozman (R-AR) or representatives from his office and USCIS.
- On February 24, 2010, **Jeff Bliss** of *Bloomberg News* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of any documents related to the hiring of independent computer security consultants to aid the federal investigation of the cyber attack on Google, Inc.
- On February 24, 2010, **Jim McElhatton**, of *The Washington Times* in Alexandria, Virginia, requested from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), U.S. Customs and Border Protection (CBP), and the United States Coast Guard (USCG) copies of the Department's and any Agency-specific reports prepared by the transition team during the approximate time period November 2008 and January 2009.
- On February 24, 2010, **Jennifer Miller**, Executive City Editor with the *Boston Herald* in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) records related to the discipline, including but not limited to suspension and dismissal of Logan

International Airport TSA agents for failure to pass drug and/or alcohol tests between January 1, 2002 and February. 23, 2009.

- On February 25, 2010, **Michael Bekesha**, of **Judicial Watch, Inc.** in Washington, D.C., requested from the U.S. Secret Service (USSS) all records of President Barack Obama's movements, schedule, activities, and/or meetings for January 13-15, 2010.
- On February 25, 2010, **Tegan Millspaw**, of **Judicial Watch, Inc.** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of the following: 1) All records concerning Secretary Janet Napolitano's January 28, 2010 meeting with leaders from Muslim, Sikh, South Asian and Arab communities; and 2) All records of communication between the office of the Secretary Napolitano and any of the following entities concerning the January 28, 2010 meeting: The White House, Any component of the Executive Office of the President, Any federal agency, Any office of a member of Congress, or any member of the media.

#### Late Entries

- On February 2, 2010, **Todd Shepherd**, a representative of the **Independence Institute** in Golden, Colorado, requested from U.S. Customs and Border Protection (CBP) a list of lost, stolen or damaged equipment.
- On February 2, 2010, **Dianne Solis**, a senior writer with the **Dallas Morning News**, in Dallas, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to the number and nationalities of those who have been denaturalized since October 1, 2000 to the present, which countries they originated from, and which countries they were deported to.
- On February 4, 2010, **Mike Fitzgerald**, a reporter with the **Belleville News-Democrat** in Belleville, Illinois, requested from U.S. Customs and Border Protection (CBP) the following records: 1) All flights from South America into Mid-America (St. Louis) that off-loaded some or all their cargo, including flights operated by LAN Cargo of Santiago, Chile; 2) Contents of these flights including the amount and type of flowers and other types of agricultural products off-loaded at Mid-America; 3) The nation of origin of these flights; 4) The amount of cargo, measured in pounds loaded or off-loaded at Mid-America.
- On February 5, 2010, **Scott MacFarlane**, Washington Correspondent with **Cox TV** (CTV-WNB) in Washington, D.C., requested from the Transportation Security Administration (TSA) copies of reports pertaining to bag thefts at Hartsfield-Jackson Int'l Airport and Charlotte-Douglas Airport.
- On February 5, 2010, **Scott MacFarlane**, Washington Correspondent with **Cox TV** (CTV-WNB) in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) all electronic mail exchanged between CBP and representatives of Senator Robert Byrd (D-WV) office in between 2009 and 2010.



- On February 6, 2010, **Erin Siegal**, a writer for *The Schuster Institute for Investigative Journalism*, in Waltham, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) records sent to (b) (6), or any other employee at USCIS, related to people who have been temporarily or permanently “banned from involvement in the submission and processing of all new adoption cases with the Department of Homeland Security at the United States Embassy in Guatemala” between 1990 and the present.
- On February 9, 2010, **Marcia Carroll**, a researcher with the *MultiNational Monitor* in Washington, D.C., requested from the Transportation Security Administration (TSA) all contracts between TSA and manufacturers/vendors of whole-body imaging machines used for scanning airport passengers.
- On February 16, 2010, **Susan Carroll**, an Immigration Reporter with the *Houston Chronicle* in Houston, Texas, requested from U.S. Customs and Border Protection (CBP) any and all reports or memos pertaining to an April 23, 2009 incident aboard American Airlines Flight 983 from Miami to Guatemala City involving an unescorted Immigration and Customs Enforcement (ICE) detainee.
- On February 17, 2010, **Amy Gooden**, a representative of the **Democratic Senatorial Campaign Committee**, in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) correspondence (of any form) from lobbyist and former Senator Daniel R. Coats (R-IN), from 2000 to the present.
- On February 17, 2010, **Patrick Terpstra**, a reporter with *WVEC-TV 13 News* in Norfolk, Virginia, requested from the United States Coast Guard (USCG) records regarding the amount the USCG paid for all activities related to the response and removal of the Crowley LA PRINCESS barge in November 2009.
- On February 18, 2010, **Sandra Chapman**, a reporter with *WTHR Channel 13 News* in Indianapolis, Indiana, requested from the United States Coast Guard (USCG) records regarding a barge accident on the Ohio River resulting in two deaths on July 15, 2000.
- On February 18, 2010, **Richard Deneger**, a reporter with *The Press Atlantic City* in Atlantic City, New Jersey, requested from the United States Coast Guard (USCG) records regarding the sinking of the vessel SEA TRACTOR on November 11, 2009, off the coast of New Jersey.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On February 23, 2010, Immigration and Customs Enforcement (ICE) released to Brad Heath, a reporter with *USA Today* in Washington, D.C., 287(g) arrest statistics between August and September of 2009. These



statistics were broken down by offense category (i.e. NCIC Level, Drug Offense, Traffic Offense).

Late Entry:

- On January 29, 2009, United States Citizenship and Immigration Services (USCIS) released to **Robert Deasy**, attorney with **American Immigration lawyers Association** in Washington, D.C., information regarding the criteria and guidelines for onsite compliance visits for R-1 religious workers and special immigrant religious workers. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2) and (b)(7)(E).

## V. Lawsuits

- In the matter of *Electronic Frontier Foundation v. Department of Defense et al.*, on February 8, 2010 an answer was filed and on February 19, 2010, an Alternative Dispute Resolution (ADR) certificate was filed.
- In the matter of *Judicial Watch, Inc., v. United States Secret Service*, 09-2312-HHK, on February 22, 2010, Plaintiff filed a motion for partial summary judgment.
- In the matter of *All Party Parliamentary Group on Extraordinary Rendition et al. v. Department of Defense et al.*, 09-CV-02375-RMU, on February 26, 2010, the Department of Homeland Security (DHS) filed an answer as well as a motion to dismiss members of the Intelligence Community. DHS also notified Plaintiffs that the U.S. Coast Guard is prohibited from providing Plaintiffs with records from the Office of Intelligence and Criminal Investigations (CG-2) pursuant to 5 U.S.C. 552(a)(3)(E), as Plaintiffs are representatives of a foreign governmental organization.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of February 26 – March 4, 2010**

**Privacy Office**

**March 8, 2010**

**Weekly FOIA Report**

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

- NSTR

**II. FOIA Requests**

- On February 26, 2010, **Susan Carroll**, a journalist with the *Houston Chronicle* in Houston, Texas, requested from Immigration and Customs Enforcement (ICE) records relating to taser (EMDD) use at the following facilities since the start of fiscal year 2009: 1) Alamance County, 2) Calhoun County, 3) Chippewa County, 4) El Paso County, 5) Santa Anna City Jail, 6) York County Jail, 7) North Las Vegas Jail, 8) Sherbourne County Jail, 9) Hardin County Jail, 10) Polk County Jail, 11) Carver County Jail, 12) North Las Vegas Jail, 13) Jefferson County Jail, and 14) Mississippi County Detention Center.
- On February 26, 2010, **Susan Carroll**, a journalist with the *Houston Chronicle* in Houston, Texas, requested from Immigration and Customs Enforcement (ICE) copies of reports generated by the ICE Office of Professional Responsibility's Management Inspections Unit from January 1, 2008 to the present.
- On February 26, 2010, **Pete Gregory**, an individual from De Leon Springs, Florida, requested from United States Citizenship and Immigration Services (USCIS) a copy of the Naturalization Certificate for Barack Obama.
- On February 26, 2010, **Pia Malbran**, a reporter from *CBS News* in Miami Florida, requested from the Transportation Security Administration (TSA) a list showing the total number of security breaches that have occurred at all commercial airports nationwide from 2002 to the present broken down by: year/date, type of breach, description of breach, and airport.
- On February 26, 2010, **Pia Malbran**, a reporter from *CBS News* in Miami Florida, requested from the Transportation Security Administration (TSA) a list showing the total and complete number of any and all weapons found, obtained and/or seized at commercial airports across the country from 2000 to present broken down by: year, date weapon was retrieved, type of weapon, airport, location where weapon was found, obtained or seized.
- On February 26, 2010, **Nancy Morawetz**, an attorney with **Immigrants Rights Clinic** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) any and all memoranda, policy documents, or guidance that updates, alters, clarifies, or supersedes



Policy Memorandum No. 110, entitled "Disposition of Cases Involving Removable Aliens."

- On March 3, 2010, **Eileen Sullivan**, a reporter with *The Associate Press* in Washington, D.C., requested from the Department of Homeland Security (DHS) seeking all national operations center products produced with open source information between Dec 24, 2009 and Jan 7, 2010 and all national operations center products produced with open source information, to include social media between Feb 8, 2010 and Feb 22, 2010.
- On March 2, 2010, **Kevin Wisniewski**, a reporter from *WTVF-TV* in Nashville Tennessee, requested from the Transportation Security Administration (TSA) a copy of the contract and all bid proposal documents made by VF Imagewear, Inc. in response to solicitation HSTS07-09-R-00134.
- On March 02, 2010, **Dan Zacharek**, a producer with *WXYZ-TV* in Detroit, Michigan, requested from the United States Coast Guard (USCG) a copy of the letter from the USCG to the Detroit International Bridge Company terminating the bridge permit process for the Ambassador Bridge Enhancement Project.
- On March 3, 2010, **Surae Chinn**, a reporter with *WUSATV-9* in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) details on the February 18, 2010, canine biting incident of a 4-year old at Dulles Airport, specifically seeking: 1) Records and specifics on CBP canine training, 2) CBP Canine handler and training involved, 3) Supervisor's training associated with associated handler and K-9 program, and 4) Specifics on Acting Deputy Director Michael Maroney in the K-9 program.
- On March 4, 2010, **Justin Elliot**, a journalist with *TPM Media* in Brooklyn, New York, requested from the Management Directorate (MGMT) the names of all 18 DHS Political appointees who converted to career positions from 5/1/2005 to 5/30/2009, the characteristics of the positions held prior to conversion, and the characteristics of the career positions to which they were converted.
- On March 4, 2010, **Marc Nichols**, an individual from Washington, D.C., requested from the United States Secret Service (USSS) any and all records that were used to process the decisions regarding his White House access requests in 2004, 2009 and 2010 when he was denied entry onto the White House grounds as well as any and all records/documentation that were used to determine his successful entry onto the White House complex in 2003 and 2009.

#### Late Entries

- On February 17, 2010, **David Barr** of the **Democratic National Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) and the United States Coast Guard (USCG) records regarding communication between the USCG and the following

individuals: 1) Mitchell Elias “Mitch” Daniels, Jr., (R-IN), 2) Piyush “Bobby” Jindal (R- LA), 3) Sara Louise Palin, (R-AK), Timothy James Pawlenty (R-MN), 4) John Randolph Thune (R-SD), 5) Michael Dale “Mike” Huckabee (R-AR), 6) Willard Mitt Romney (R-MA).

- On February 17, 2010, **Todd Shepherd**, of the *Independence Institute* in Golden, Colorado, requested from U.S. Customs and Border Protection (CBP) information relating to the 2008 Lost, Stolen or Damaged Property Report, specifically seeking: 1) Whether there have been any policy or procedure changes, and 2) Any documentation of disciplinary actions for particular items from the original report provided by DHS.
- On February 25, 2010, **Michael Ravnitzky**, an individual from Silver Springs, Maryland, requested from U.S. Customs and Border Protection (CBP) and United States Citizenship and Immigration Services (USCIS) a copy of each report from USCIS to Congress or a Congressional Committee from January 1, 2008 to present which has not been published on the United States Citizenship and Immigration Service (USCIS) website.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On March 1, 2010, Immigration and Customs Enforcement (ICE) released to **Eric Balaban**, a senior staff attorney with the **American Civil Liberties Union** in Washington, D.C., 467 pages of medical records pertaining to ICE detainee Vera Stojka, who died while in custody. Portions were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C).
- On March 1, 2010, the United States Citizenship and Immigration Service (USCIS) released to **Greg Talmage**, an individual in Nashville, Tennessee, 30 pages of records related to copies of communications between Congressman Russ Carnahan and/or his D.C. office, or state office and the service. Portions of this response were withheld pursuant to FOIA exemptions (b)(6).
- On March 2, 2010, Immigration and Customs Enforcement (ICE) released to **J. Scott Tarbutton**, an attorney with **Cozen O'Connor** in Philadelphia, Pennsylvania, 39 pages of records referring to Mohammed Jamal Khalifa, a top al Qaida official. Portions were withheld under FOIA Exemptions (b)(2)High, (b)(5), (b)(6), and (b)(7)(C).

### V. Lawsuits

- In the matter of *Judicial Watch, Inc. v. U.S. Department of Homeland Security* (1:10-cv-00301) in which Judicial Watch brings action for failure of United States Citizenship and Immigration Service (USCIS) to produce records within twenty working days of receipt of request in which the

Plaintiff is seeking: 1) All CIS records concerning the distribution or allocation of S visas, 2) All records establishing the legal and/or policy basis of eligibility of S visas, and 3) All statistical records concerning the issuance of S visas.

- In the matter of *Eugenia Schwarz v. Department of Justice et. al.*, (10-cv-562 BMC LB) is challenging the withholding of documents regarding the plaintiff's employment in DHS/Coast Guard and an EEO award in 1997.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of March 05 - 11, 2010**  
**Privacy Office**  
**March 15, 2010**  
**Weekly FOIA Report**

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

- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Website an electronic [FOIA Request Submission Form](#). This form allows a requester to enter in the necessary information for submitting a FOIA request (i.e. name, address, phone number, e-mail), describe the records they are seeking, clarify the fee category they fall under, and, if any, state the fee amount they are willing to pay. Once the "Submit Form" button is clicked, the request is sent to ICE FOIA's e-mail box.
- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room: An updated Excel Spreadsheet listing detainees that have died while in ICE custody, Immigration Statistics in an Excel spreadsheet listing the number of removals, broken down by country, in fiscal years 2008 and 2009.

**II. FOIA Requests**

- On March 5, 2010, **Eric Watson**, an assignment editor with **KPNX-TV** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) records pertaining to the CBP complaint report (b) (6) filed by (b) (6) alleging that CBP officer (b)(6), (b)(7)(C) used racial profiling in a traffic stop on February 15, 2010, near Quartzsite, Arizona.
- On March 8, 2010, **Cory Frolik**, a reporter for the **Sandusky Register** in Sandusky, Ohio, requested from U.S. Customs and Border Protection (CBP) information pertaining to the housing of CBP agents in the Sandusky, Ohio area, specifically seeking: 1) Documents pertaining to the cost of housing agents, 2) Where those agents are staying, and 3) The number of agents at the Sandusky station to include names, titles, and salaries.
- On March 8, 2010, **Kacey Montoya**, a reporter with **KOIN Local 6** in Portland, Oregon, requested from the United States Coast Guard (USCG) the following: 1) Records regarding the search and rescue conducted by USCG Air Stations Astoria and Cape Disappointment on May 29, 2009, involving six Oregon Air National Guardsmen, and 2) Information regarding recovery of the U.S. Government vessel owned by the Oregon Air National Guard by the USCG Station Tillamook Bay June 2, 2009, including, but not limited to, the towing and salvage recovery of the vessel.
- On March 9, 2010, **David Barr** of the **Democratic National Committee** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP), the Transportation Security Administration (TSA), and U.S.



Immigration and Customs Enforcement (ICE) records regarding communication between their respective components and the following individuals: 1) Mitchell Elias “Mitch” Daniels, Jr., (R-IN), 2) Piyush “Bobby” Jindal (R- LA), 3) Sara Louise Palin, (R-AK), Timothy James Pawlenty (R-MN), 4) John Randolph Thune (R-SD), 5) Michael Dale “Mike” Huckabee (R-AR), 6) Williard Mitt Romney (R-MA). This request was previously reported as received by the Department of Homeland Security (DHS) Headquarters FOIA Office, as well as the U.S. Coast Guard and US-VISIT Program. The DHS Privacy Office is coordinating the response for all Headquarters components.

- On March 09, 2010, **Brennan Bilberry**, an individual in Washington, D.C., requested from the Department of Homeland Security (DHS) records regarding communication between DHS and the following individuals: 1) Patrick J. Tiberi (R-OH), 2) Charlie Dent (R-PA), 3) Jim Gerlach (R-PA), 4) Dave Reichert, 5) Ken Calvert (R-CA), 6) Lee Terry (R-NE), 7) Jean Schmidt (R-OH), 8) Dan Lungren (R-CA), and 9) Joseph Cao (R-LA).
- On March 9, 2010, **Robert Deasy**, Director, Liaison and Information with the **American Immigration Lawyers Association** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) the most recent guidance regarding the length of time for which I-94 documentation is issued when a passport expires within six months of the date the traveler makes application for admission and when the passport expires six months or longer after the application for admission.
- On March 9, 2010, **Beverly Ford**, a staff reporter with the *Delta Democrat Times* in Greenville, Mississippi, requested from the United States Coast Guard (USCG) information pertaining to the Benjamin G. Humphreys Bridge, to specifically include records detailing how many times the bridge has been struck and by what.
- On March 9, 2010, **Laura Strickler**, a journalist with *CBS News* in Washington D.C., requested from the Transportation Security Administration (TSA) a list of names of all TSES employees and their corresponding bonus amounts for FY 2003, 2004, 2005, 2006, 2007, and 2008.
- On March 10, 2010, **Lee Rood**, Projects/investigations editor with the *Des Moines Register* in Des Moines, Iowa requested from U.S. Immigration and Customs Enforcement (ICE) the following information: 1) Information about each individual arrested in the past two years by fugitive operations teams in Iowa, Illinois, Minnesota, Missouri, Nebraska, South Dakota and Wisconsin, including: exact location of arrest; city, state and zip code; 2) Birth date, gender and country of citizenship of detainee, detention facilities used, criminal history of offender, whether arrest was civil or criminal, and status of arrestee; 3) Estimate of the number of foreign nationals, fugitive aliens and fugitive aliens with criminal records in each state in the last five years; 4) The number of agents, location and annual budget of every fugitive operation



team in the country, as well as the budget of the entire Fugitive Operations Program in the last five years; 5) Any correspondence-electronic or otherwise- from top Homeland Security officials in the last year giving new guidance on detention policy or protocols; and 6) A list of the current apprehension priorities of fugitive operations teams.

- On March 11, 2010, **Cain Burdeau**, a journalist with *The Associated Press* in New Orleans, Louisiana, requested from the Federal Emergency Management Agency (FEMA) the total Public Assistance obligated funds from FEMA to the City of Biloxi, Harrison County, Jackson County, Hancock County, the City of Waveland, the City of Bay St. Louis, and the City of Gulfport.
- On March 11, 2010, **Tracie Cone**, a reporter with *The Associated Press* in Fresno, California, requested from the Department of Homeland Security (DHS) copies of the following data and documents related to the port inspections and potential pest entry for the years 2000 and 2009: 1) All port-of-entry inspection data, covering seaports, airports, border crossings, etc. collected by the USDA and CBP/Homeland Security for the years 2000 through 2009; 2) Each Emergency Action Notification for the years 2000-2009 broken down by fiscal year, type of pest and action required to contain it and whether containment was successful; 3) WADS data broken down by major pathway and/or port of entry, including but not limited to Air, Sea, and Land Passenger; Air, Sea, and Land Cargo; Clearances; and Interceptions of Prohibited Plant Materials, Animal Products, pests, Seeds, and Protected Species, etc.; 4) The total number of pest entry violations by fiscal years 2000-2009, with a breakdown of where they occurred and what type of pest was noted; 5) The pest database called PIN309 for the same years, breaking down the pests by category; 6) Data that show pest and plant personnel inspection staffing (USDA, and Customs and Border Patrol) at each port of entry for the years 2000 through 2009; and 7) Data that show the number of USDA canine teams on duty and at what ports they serve for the years 2000 through 2009.
- On March 11, 2010, **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of former Homeland Security Secretary Michael Chertoff's calendars that have previously been released by the department.
- On March 11, 2010, **Jared Kaprove**, domestic surveillance counsel for the **Electronic Privacy Information Center (EPIC)** in Washington, D.C., requested from the Department of Homeland Security (DHS) the following: 1) A copy of the Privacy Impact Assessment for the pilot exercise of the most recent version of the EINSTEIN network security program, also known as EINSTEIN 3, and 2) Copies of all contracts with private vendors, legal opinions, security analyses, and risk assessments concerning EINSTEIN 3.

Late Entries:

team in the country, as well as the budget of the entire Fugitive Operations Program in the last five years; 5) Any correspondence-electronic or otherwise- from top Homeland Security officials in the last year giving new guidance on detention policy or protocols; and 6) A list of the current apprehension priorities of fugitive operations teams.

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Late Entries:



- On January 29, 2010, **Nikki Coloma**, associate producer with **Kirkstall Road Enterprises, Inc.**, in Miami, Florida, requested from the United States Coast Guard (USCG) copies of radio transmissions of several incidents occurring in Miami, Florida.
- On March 4, 2010, **Stephen Losey**, a journalist with the **Federal Times**, requested from U.S. Customs and Border Protection (CBP) the following: 1) Complete individual data on new Border Patrol hires, year by year, going back to 1998; 2) Complete individual data on new Border Patrol hires who quit, were fired, or otherwise separated, year by year, in their first three years of employment; 3) For each year going back to 1998, the numbers of mentors and the number of mentees at Border Patrol; 4) Annual statistics going back to 1998 on number of incidents of improper use of firearms, improper use of official Border Patrol vehicles, allegations files claiming civil rights violations or any and all other forms of misconduct by agents, number of reprimands, on-duty disciplinary action (broken out by type of infraction), number of incidents of off-duty misconduct (broken out by type of infraction), and number of incidents of theft of personal or government property by Border Patrol agents; 5) Those statistics should be broken out by the agents' years of experience. One category should reflect agents with fewer than five years of experience, and the other should reflect agents with five years of experience or more; and 6) Annual statistics, going back to 1998, on average test scores at the Border Patrol academy for the following exams: firearms training final qualification, final qualification scores for driving courses, Spanish qualification, physical training final qualification, nationality law qualification, immigration law qualification, operations qualification, criminal law qualification and statutory law qualification.
- On March 4, 2010, **Justin Elliott**, a journalist with **Talking Points Memo** in Brooklyn, New York, requested from the Department of Homeland Security (DHS) the following: 1) The names of all 18 Department of Homeland Security political appointees who converted to career positions from May 1, 2005, through May 30, 2009; 2) The characteristics of the political positions they held before they were converted; and 3) The characteristics of the career positions to which they were converted.
- On March 4, 2010, **Persia Swift**, Legal Program Associate with the **American Civil Liberties Union of Maryland** in Baltimore, Maryland, requested from the Transportation Security Administration (TSA) records relating to the newly implemented MARC train searches that began on Friday, October 30, 2009, to specifically include: 1) Any policy or policies governing or describing the searches, their scope, and their implementation; 2) Any written materials detailing the reasons the searches are being implemented; 3) Any written training materials used to educate and instruct TSA or MTA employees conducting searches; 4) Any documents specifying the number of MTA or TSA personnel who have been and will be trained to conduct the searches; 5) Any written documents outlining the nature and procedures for searches; 6) Any



policies relating to procedures employed when a passenger is detained, Contraband is found, or a passenger refuses a search; 7) Any documents defining the area(s) in which such searches are conducted; 8) Any documents outlining measures employed to prevent racial profiling; 9) Any documents outlining complaint procedures and efforts to publicize such complaint procedures and the number of complaints that have been filed as a result of the policy or searches conducted pursuant to the policy; 10) Any documents or written policies detailing how individuals are being chosen for the searches, including information about whether the pool of those eligible for a search includes everyone in the station, or only those boarding trains; and 11) All documents concerning searches conducted as of the date of your response to this request, including information on numbers of searches conducted and hit rates.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On March 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Sasha Aslanian**, producer of Youth Radio Series and special projects with the *Minnesota Public Radio* in St. Paul, Minnesota, 376 pages of detention facility inspection reports and detainee grievances filed in the St. Paul, Minnesota region. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C).

#### Late Entry:

- On March 4, 2010, Immigration and Customs Enforcement (ICE) released to **Sandra Roa**, a blogger for the *New York Times* in New York, New York, 1,569 pages and 4 audio files from a 911 call, related to the deaths of 12 detainees while they were in ICE custody. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), (b)(6), and (b)(7)(C).

### V. Lawsuits

- In the matter of *Calloway v. Department of Treasury et al.* (1:04-cv-01506-RWR), on remand from the D.C. Circuit that refers to two (2) FOIA requests, ICE 1998-10765 and ICE 2004-14537 (*See Calloway v. United States Dep't of the Treasury*, No. 08-5480 (D.C. Cir. June 2, 2009)).
- In the matter of *Electronic Frontier Foundation v. Department of Defense et al.*, in which the plaintiff is seeking injunctive relief in connection with FOIA requests for information concerning the government's use of social-networking websites as investigative, surveillance, and data collection tools, United States Secret Service (USSS) filed a Joint Case Management Statement on March 5, 2010.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of March 12 - 18, 2010

### Privacy Office

March 22, 2010 – Addendum from ICE

### Weekly FOIA Report

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

- NSTR

#### II. FOIA Requests

- On November 13, 2009, **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) copies of detention facility inspections carried out by Detention and Removal Operations in the State of Texas in fiscal years 2008, 2009, and 2010.
- On November 13, 2009, **Melissa Keaney**, a Loyola Public Interest Law Fellow with the **National Immigration Law Center** in Los Angeles, California, requested from U.S. Immigration and Customs Enforcement (ICE) records associated with the 10 new Memorandums of Agreement (MOAs) that were signed in October 2009, and given to state and local law enforcement agencies under Section 287(g) authority.
- On November 24, 2009, **Susan Carroll**, an Immigration Reporter with the **Houston Chronicle** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) Any memos/directives/emails or other documents regarding the use of tasers and/or Electro Muscular Disruption Devices (EMDDs); 2) Any records documenting the use of tasers and/or EMDDs on ICE detainees (including those housed in IGSA facilities) from October 2003 to present; 3) Any memos/directives/emails or other documents regarding the use of pepper spray, Oleoresin Capsicum, or other “chemical agent”; 4) any memos/directives/emails or other documents regarding the use of four or five-point restraints; and 5) Any records documenting the use of four or five-point restraints on ICE any detainees (including those housed in IGSA facilities) from October 2003 to present.
- On December 9, 2009, **Steven Emerson**, President of **SAE Productions** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records related to (b) (6) and his border intercept in October, 2002.
- On December 16, 2009, **Sameer Ahmed** a Skadden Fellow with the **Asian Law Caucus** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) Any and all policies and procedures mentioning or concerning “Third Agency Checks”; 2) Any and all list of “special interest countries and “specially designated countries from which immigration detainees have subjected to a “Third Agency “Check”; 3) Any and all statistics about the number of “Third



Agency Checks” generated, the number resulting in third-agency follow-up activity, and the number resulting in prosecutions for terrorism-related charges; 4) Any and all data regarding individuals subjected to “Third Agency Checks,” including records indicating visa type, country of origin, immigration violation, disposition of case, race, religion, age sex and any other available characteristics; and 5) Any and all policies and procedures mentioning or concerning “special interest countries” and “specially designated countries” and their relationship with “Third Agency Checks.”

- On December 29, 2009, **Veena Dubal**, Staff Attorney, National Security & Civil Rights Projects with the **Asian Law Caucus** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) February 2006 ICE memo authored by (b) (6) regarding federal agencies’ creation and use of internal lists of “special interest countries”; 2) Any and all other documentation regarding the existence of any proposed list of countries classified as “special interest countries”; 3) Any and all other documentation regarding the existence of any proposed list of countries used for national security purposes; and 4) Any and all other documentation regarding the definition of “special interest alien.”
- On January 22, 2010, **Alan Maimon**, a journalist with the **Las Vegas Review-Journal** in Las Vegas, Nevada, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding an ICE Office of Professional Responsibility investigation of the Federal Air Marshal’s Las Vegas Field Office, stemming from a December 2004 whistleblower complaint.
- On January 25, 2010, **Penny Starr**, a reporter with the **Cyber Cast News Service** in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) information about Other Than Mexicans (OTMs) that have been in the custody of ICE, including the number of OTM cases handled by ICE for 2007, 2008 and 2009 and the status of those cases.
- On February 19, 2010, **Jesse Franzblau**, a representative of the **National Security Archive** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) all documents related to deaths of Mexican migrants in the Arizona-Sonora area in 2003 and any new safety or security measures taken in response to these incidents.
- On February 19, 2010, **Brad Heath**, a journalist with the **USA Today** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) an electronic database maintained by the ICE Office of Detention and Removal Operations listing any individual detained in the past 10 years.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- NSTR

## **V. Lawsuits**

- NSTR

## **FOIA Exemptions**

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of March 12 - 18, 2010

Privacy Office

March 22, 2010

### Weekly FOIA Report

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

- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room: An updated Excel Spreadsheet listing detainees that have died while in ICE custody. This spreadsheet includes information on two individuals who passed away on March 12 and 13, 2010.

#### II. FOIA Requests

- On March 12, 2010, **Andrew Colton**, a representative of **Colton Creative LLC** in Philadelphia, Pennsylvania, requested from U.S. Customs and Border Protection (CBP) all applications scoring 100 or greater for IHC-313257, Public Affairs Specialist, GS-1035-13, located in Miami, Florida.
- On March 12, 2010, **Ben Fox** and **Mike Melia**, journalist with *The Associated Press* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to FEMA reimbursements in response to the October 2009 explosion at the Caribbean Petroleum Corporation in Puerto Rico.
- On March 12, 2010, **David Schechter**, a senior reporter with *WFAA News* in Dallas, Texas, requested from Immigration and Customs Enforcement (ICE) all written electronic communications to ICE, received between January 1, 2008 and December 8, 2009 from any federal, state or local law enforcement agency, group or association raising concerns about the deportation or voluntary release of illegal aliens prior to adjudication.
- On March 12, 2010, **David Schechter**, a senior reporter with *WFAA News* in Dallas, Texas, requested from Immigration and Customs Enforcement (ICE) the number of detainees deported from the US after being released to ICE from the following county jails during the month of August, 2009: Arizona - Maricopa, Pima; California - San Diego, Los Angeles; Texas - Travis, Bexar, Harris; New Mexico - Bernalillo.
- On March 15, 2010, **Heather Brown**, a reporter with *WCCO-TV* in Minneapolis, Minnesota, requested from the Transportation Security Administration (TSA) any documentation regarding the January 5, 2010 bomb scare/partial airport closure at the Minneapolis/St. Paul Airport.
- On March 15, 2010, **Jim Chapman**, of the **Sierra Club**, in Washington, D.C., requested from the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) information regarding the impacts of the tactical infrastructure along the U.S. and Mexican border.
- On March 15, 2010, **Brian Denson**, a reporter for the *Oregonian Newspaper* in Portland, Oregon, requested from U.S. Customs and Border Protection (CBP) records regarding Foreign Trade Zones (FTZ) and the

importation of munitions, to include: 1) The full name of the agent or operator of the FTZ, 2) The physical address of the FTZ, 3) The mailing or business address of the company that operates the FTZ, and 4) The phone number of the FTZ or phone number of the operator.

- On March 15, 2010, **Steve Porter**, a writer with the *North Carolina Business Report* in Fort Collins, North Carolina requested from Immigration and Customs Enforcement (ICE) records related to the investigation of Johnson Dairy, LLC for violation of Section 274(A) of the Immigration and Nationality Act.
- On March 17, 2010, **John Althen**, a representative of **Judicial Watch** in Washington, D.C., requested from the Department of Homeland Security (DHS) records relating to the decision to redeploy \$50 million of Recovery Act funding originally allocated for the SBInet Block 1 to other security technology along the Southwest Border.
- On March 18, 2010, **Michael Grabell**, a staff writer for *Pro Publica* in New York, New York, requested from the Office of Inspector General's (OIG's) the investigative report pertaining to allegations of rape and sexual assault on the part of Boston (b)(3) during a trip to London in January 2008.
- On March 18, 2010, **Dave Janoski**, the Projects Editor with *The Citizens' Voice* in Wilkes-Barre, Pennsylvania, requested from the United States Secret Service (USSS) a copy of a USSS report of an investigation conducted into the use of debit cards issued by Luzerne County, Pennsylvania to several elected officials and employees in county government.
- On March 18, 2010, **Pia Malbran**, a journalist with *CBS News* in Miami, Florida, requested from the Transportation Security Administration (TSA) the following information regarding the Federal Air Marshal Service: 1) An April 15, 2008 memo (with the subject line "International Missions" in which former director Dana Brown said he "convened a working group" which would "release its report shortly to review the circumstances of specific incidents, 2) A copy of the complete report, and 3) Any supporting documents attached to the report by this working group.
- On March 18, 2010, **Anna Song**, an investigative reporter with *KATU News* in Portland, Oregon, requested from the Department of Homeland Security (DHS) the VIN numbers and/or other identifying vehicle information for the roughly 93,000 towable FEMA trailers and the more than 9,300 pad-mounted mobile homes sold through auction that were purchased by FEMA for Hurricane Katrina victims.

#### Late Entry

- On March 2, 2010, U.S. Fish and Wildlife (USFW) referred to U.S. Customs and Border Protection (CBP) a request from **Laurel Neme**, a journalist with *Wildlife Professional*, in Shelburne, Vermont, seeking records regarding an investigation of Pa Lor and Tia Lang and an alleged wildlife smuggling operation.



- On March 11, 2010, **David Mercer**, of the *Associated Press* in Champaign, Illinois, requested from Immigration and Customs Enforcement (ICE) copies of any records related to immigration-related investigations, raids, criminal charges filed, fines levied, or settlements reached with Flex N' Gate Corporation or its subsidiaries.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On March 11, 2010, Immigration and Customs Enforcement (ICE) released to **Melissa Keaney**, a Loyola Public Interest Law Fellow with the **National Immigration Law Center** in Los Angeles, California, 315 pages of Secure Communities Initiative Surveys submitted to ICE. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

### V. Lawsuits

- In the matter of *ACLU of San Diego & Imperial Counties v. DHS* (S.D. Cal. 10-0544), in which the ACLU is claiming constructive denial with regard to ICE FOIA 10-1926, a request for records relating to an enforcement operation in California from December 8 through December 10, 2009.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of March 19 - 25, 2010

Privacy Office

March 29, 2010

### Weekly FOIA Report

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

- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Website an electronic FOIA Request Submission Form. This form allows a requester to enter in the necessary information for submitting a FOIA request (i.e. name, address, phone number, e-mail), describe the records they are seeking, clarify the fee category they fall under, and, if any, state the fee amount they are willing to pay. Once the "Submit Form" button is clicked, the request is sent to ICE FOIA's e-mail box. During the week of March 15-19th, ICE received 15 new FOIA requests via this web-form.

#### II. FOIA Requests

- On March 19, 2010, **Joshua Evans**, a representative of **Public Record Strategies** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of all complaints, inspections, or fines related to the following companies: 1) The Hazlewood Group, LLC; 2) Skyport Properties of Oregon, LLC; and 3) Columbia/80, LLC.
- On March 18, 2010, **Michael Grabell**, a staff writer with **ProPublica** in New York, New York, requested from the Transportation Security Administration (TSA) a copy of the Federal Air Marshal (FAM) misconduct database managed by the operational integrity division.
- On March 19, 2010, (b) (6), an individual in Broadalbin, New York, requested from the Department of Homeland Security (DHS) any files, reports, e-mails, faxes and phone notes made by Congressman Bill Owens (D-NY-23) or his staff to DHS, and all and any files, reports, e-mails, faxes and phone call notes from DHS back to Congressman Bill Owens (D-NY-23) or his staff or anyone else that pertain to (b) (6) or (b) (6) or any combination of that name.
- On March 19, 2010, **Colleen Kelley**, National President of **The National Treasury Employees Union**, in Washington, D.C., requested from the Transportation Security Administration (TSA) Performance Accountability and Standards System (PASS) information relating to Transportation Security Officers (TSO) and Lead Transportation Security Officers (LTSO) who received a final rating during the 2009 performance period.
- On March 19, 2010, **Henry Schuck**, an attorney in Vancouver, Washington, requested from United States Citizenship and Immigration Services (USCIS) an organizational chart for the Office of Chief Information Officer, and a chart for the Information Technology Division of the Bureau of Citizenship and Immigration Services.



- On March 22, 2010, **Michel Marizco**, a Freelance Journalist in Tucson, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) all files pertaining to a cartel informant working in Ciudad Juárez, Mexico, and El Paso, Texas, who was murdered in Texas in 2009.
- On March 24, 2010, **Andrew Harmon**, senior editor for *The Advocate* in Los Angeles, California, requested from the United States Coast Guard (USCG) copies of records concerning drug arrests of guest on the vessel LIBERTY OF THE SEAS in an incident that occurred on January 24, 2010.
- On March 25, 2010, **Jeffrey Anderson**, a staff writer with *The Washington Times* in Washington, D.C., requested from the Department of Homeland Security (DHS) information on the various companies who worked on SBInet, either as subcontractors or general contractors.

#### Late Entry

- On March 16, 2010, **Matthew Furshong**, a representative of **UNITE HERE**, in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) a complete list of employers who have registered with the E-verify service.
- On March 16, 2010, **Eileen Sullivan**, reporter from the *Associated Press* in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) copies of all emails dated December 25, 2009 and December 26, 2009 to and from these officials: 1) Jayson Ahern, Acting Commissioner; 2) Thomas Winkowski, Assistant Commissioner for Field Operations; and 3) Marko Lopez, Chief of Staff.
- On March 16, 2010, **Eileen Sullivan**, reporter from the *Associated Press* in Washington, D.C., requested from requested from the Department of Homeland Security (DHS) copies of all emails dated December 25, 2009 and December 26, 2009 to and from these officials: 1) Janet Napolitano; 2) Noah Kroloff; 3) Amy Schlossman, 4) Jane Holl Lute; 5) Matthew Chandler, 6) Sean Smith; and 7) David Pressman.
- On March 17, 2010, **Jamie Nelson**, a representative of the **Empire State Regional Council of Carpenters** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to Federal Agents arresting six illegal immigrants at the Carousel Center Mall in Syracuse, New York on February 26, 2009.
- On March 17, 2010, **Jesse Robins**, the Program Director with the **Washington State Dairy Federation** in Elma, Washington, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the arrest and deportation of employees from the Chamberlain Dairy Farm in Moses Lake, Washington on August 19, 2009.
- On March 17, 2010, the Federal Emergency Management Agency (FEMA) referred to the Department of Homeland Security (DHS) a request from **Eileen Sullivan**, a reporter with the *Associated Press* in Washington, D.C., seeking copies of the actual contracts and bidding documents for TOPOFF 3, TOPOFF 4, and TOPOFF 5.



- On March 18, 2010, **Marcia Carroll**, a researcher with the *Multinational Monitor* in Washington, D.C., requested from the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) all records related to monetary fines levied and collected by the agency between 2004 and 2008.
- On March 18, 2010, **Michael Grabell**, a staff writer with *ProPublica*, in New York, New York, requested from the Transportation Security Administration (TSA) a copy of the Federal Air Marshal (FAM) Medical Report that was distributed in 2008.
- On March 18, 2010, **Pia Malbran**, a journalist with *CBS News* in Miami, Florida, requested from the Transportation Security Administration (TSA) copies of all complaints submitted to the U.S. government by any foreign government, any foreign law enforcement agency and/or any airline addressing misconduct and/or inappropriate behavior by U.S. air marshals while on international missions from September 12, 2001 to the present.
- On March 18, 2010, **Susan B. Long and David Burnham**, Co-directors of **Transactional Records Access Clearinghouse** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records associated with the Enforcement Case Tracking System (ENFORCE) Alien Detention Module (EADM) to include: 1) User manuals; 2) System requirements; 3) Database schema; and 4) Database tables.
- On March 18, 2010, **Laura Smith**, an anchor with *WLUK Fox 11* in Green Bay, Wisconsin, requested from the United States Coast Guard (USCG) the incident investigation report concerning the vessel DAUNTLESS.

### III. FOIA Appeals

- On March 18, 2010, **Susan B. Long and David Burnham**, Co-directors of Transactions Records Access Clearinghouse (TRAC) filed a protest with United States Citizenship and Immigration Services (USCIS) relating to a fee assessment of \$111,930 for a FOIA request seeking information pertaining to a USCIS system CLAIMS 4 database.
- On March 11, 2010, **Peter Schey**, President of **The Center for Human Rights and Constitutional Law** in Los Angeles, California, appealed the response from U.S. Customs and Border Protection (CBP) to his request relating to any instructions, guidelines, directives or policies that CBP or DHS has developed regarding: 1) how negotiations should proceed; 2) how CBP and DHS will determine what is a reasonable fixed price; and 3) how and when such consultation will take place (with respect to the acquisition of land related to the southern border fence).

### IV. FOIA Releases

- On March 24, 2010, United States Citizenship and Immigration Services (USCIS) released to **Alicia McClintock**, a representative from the **Democratic National Committee** in Washington, D.C., 203 pages of

records relating to communications between John McCain or his office/staff, from 1999 to present, and a copy of FOIA requests filed with United States Citizenship and Immigration Services since January 1, 2005. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

## V. Lawsuits

- In the matter of Judicial Watch v. DHS (D.D.C. 10-0301), in which Judicial Watch is claiming constructive denial with regard to ICE FOIA 10-3428, a request for records seeking information regarding the use of S visas.
- In the matter of Techserve Alliance v. Janet Napolitano (D.D.C. 1:10-cv-00353), in which TechServe is seeking to compel United States Citizenship and Immigration Services (USCIS) to release of records responsive to their FOIA request seeking copies of documents relating to H-1B petitions and related policies.
- In the matter of Douglas F. Carlson v. United States Secret Service (N.D. Cal. CV10-01052), in which Mr. Carlson is seeking the court to provide the records requested to his FOIA request for a document entitled "Multi Agency Response to Concerns Raised by the Joint Congressional Committee on Inaugural Ceremonies for the 56th Presidential Inauguration." The documents are still being processed by the FOIA office

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



## **FOIA Activity for the Week of March 26 – April 1, 2010**

### **Privacy Office**

**April 5, 2010**

### **Weekly FOIA Report**

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

- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Website an electronic FOIA Request Submission Form. This form allows a requester to enter in the necessary information for submitting a FOIA request (i.e. name, address, phone number, e-mail), describe the records they are seeking, clarify the fee category they fall under, and, if any, state the fee amount they are willing to pay. Once the "Submit Form" button is clicked, the request is sent to ICE FOIA's e-mail box. During the week of March 22-26, 2010, ICE received 14 new FOIA requests via this web-form.
- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Reading Room an updated Excel spreadsheet listing individuals that have died while in ICE custody. Updated spreadsheet includes information on an individual who passed away on March 5, 2010.
- U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room two policy memoranda which discuss standardizing the reporting requirements for those aliens released from ICE custody under Orders of Supervision or Orders of Release on Recognizance. They appear on a new web page designed specifically for proactive disclosures. This page can be found [here](#).

#### **II. FOIA Requests**

- On March 26, 2010, **Jeffrey Richelson**, an American author and academic researcher in Washington, D.C., requested from the Department of Homeland Security (DHS) the current DHS Intelligence Enterprise Strategic Plan.
- On March 26, 2010, **Jeffrey Richelson**, an American author and academic researcher in Washington, D.C., requested from the Department of Homeland Security (DHS) the organization chart for the Office of Intelligence & Analysis.
- On March 29, 2010, Patrick McHenry (R-NC) and Darrell Issa (R-CA), two Ranking Members of the House Committee on Oversight and Government Reform, requested from the Department of Homeland Security (DHS) the following: 1) A copy of the agency's complete FOIA log, 2) A complete explanation for each full or partial FOIA rejection since January 21, 2009, 3) All records and communications referring or relating to a full or partial FOIA rejection since January 21, 2009, and 4) All records and communications referring to the implementation of President Obama's January 21, 2009 memorandum on the FOIA and/or Attorney General Eric Holder's memorandum of March 19, 2009 on the FOIA.

- On March 29, 2010, **Susan Onyewuchi**, an individual from Marietta, Georgia, requested from United States Citizenship and Immigration Services (USCIS) the names and number of attorneys by race, gender, national origin, position title and duty location who transferred from legacy Immigration and Naturalization Service to USCIS in 2003.
- On March 30, 2010, **Paul Risenhoover**, Executive Director of **Robin Hood International Human Rights Legal Defense Fund** in Tainan City, American Formosa, requested from the United States Citizenship and Immigration Services (USCIS) any document showing USCIS efforts to abide by the Commonwealth of the Northern Mariana Islands rules as ordered in Civil Action 2008-1572.
- On March 30, 2010, **Paul Risenhoover**, Executive Director of **Robin Hood International Human Rights Legal Defense Fund** in Tainan City, American Formosa, requested from the United States Citizenship and Immigration Services (USCIS) documents relating to: 1) Inquiries by U. S. Attorneys to DHS about compliance with 18 U.S.C. § 2424(b); and 2) Filings under 18 U.S.C. § 2424(b) made by the Vatican city States and its Papal Nuncios or Nunciatures, the Pope or Joseph Cardinal Ratzinger, Catholic religious orders, any entity or person affiliated with the Catholic Church.
- On March 31, 2010, **Michael Kaplan**, a representative of the **National Republican Congressional Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) any Freedom of Information Act requests regarding information on former Member of the United States House of Representative Michael G. Fitzpatrick (R-PA).
- On March 31, 2010, **G.W. Schulz**, a representative with the **Center for Investigative Reporting** in Austin, Texas, requested from the Office of Inspector General (OIG) documents that list the 23 terminated DHS contracts that were referenced in the Inspector General's testimony before the House of Representatives' Committee on Oversight and Government Reform regarding the issue of suspended and debarred government contractors.
- On April 1, 2010, **Jim Giles**, a correspondent in the *New Scientist* requested from U.S. Immigration and Customs Enforcement (ICE) copies of all records relating to search warrants, subpoenas, and/or court orders served annually by ICE investigators against the following companies: 1) Google; 2) Yahoo!; 3) Microsoft; 4) AOL; 5) Facebook; 6) Twitter; and 7) MySpace.
- On April 1, 2010, the Department of State referred to the Department of Homeland Security (DHS) documents responsive to a request from **Richard Tansey**, an individual in Arlington, Texas, seeking U.S. Department of State's ("DOS") knowledge, research, reports, involvement, guidance, Mexican consular reports (Mexico City U.S. embassy/Ciudad Juarez, Coahuila) directives, actions, programs, memo of understanding or agreements to detect and apprehend Adnan Gulshair El Shukrijumah ("Adnan").



#### Late Entry

- On March 17, 2010, **Kelly Sanford**, a contributing writer with ***Boat International Media*** in Fort Lauderdale, Florida, requested from the United States Coast Guard (USCG) the official findings concerning the sinking of the vessel PRINCESS GIGI on February 06, 2006 in Exumas, Bahamas.
- On March 23, 2010, **Thomas Barba**, a lawyer at **Steptoe & Johnson** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all records pertaining to Ambassador (b) (6)
- On March 23, 2010, **Jim Salter**, a correspondent with ***The Associated Press*** in St. Louis, Missouri, requested from the Federal Emergency Management Agency (FEMA) records pertaining to money spent on flood-fighting and flood recovery efforts since 1993.
- On March 24, 2010, **Nina Bernstein**, a reporter for the ***New York Times*** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS), the following records: 1) All documents pertaining to the I-130 Marriage Base Benefit Fraud Assessment (BFA) Report for 2006 through 2010; and 2) Statistics on the number of I-130 petitions fraud investigations referred to the New York District Office, since 2005.
- On March 25, 2010, **Jennifer Miller**, Executive City Editor with the ***Boston Herald*** in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) all statistics relating to discipline of Logan International Airport TSA agents for theft of or damage to property between January 1, 2002 and February 23, 2009.
- On March 25, 2010, **Laura Rotolo**, a staff attorney with the **American Civil Liberties Union of Massachusetts** in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) documents pertaining to: 1) Whole Body Imaging/ Backscatter/ Advanced Imaging Technology (AIT); 2) Passive Millimeter Wave Technology / Standoff technology; 3) Explosives Trace Portal (ETP); 4) Thermal Imaging Technology; and, 5) Behavior Detection Officers (BDOs) at Logan Airport
- On March 25, 2010, **Michael Ravnitzky**, an individual from Silver Springs, Maryland, requested from United States Citizenship and Immigration Services (USCIS) the contents of the administrative file for FOIA requests NRC2009072918 and COW2006003510, to include: 1) Memos; 2) Notes; and 3) Emails.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On March 24, 2010, United States Citizenship and Immigration Services (USCIS) released to **Alicia McClintock**, a representative from the



**Democratic National Committee** in Washington, D.C., 203 pages of records relating to communications between John McCain or his office/staff, from 1999 to present, and a copy of FOIA requests filed with United States Citizenship and Immigration Services since January 1, 2005. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

- On March 25, 2010, United States Citizenship and Immigration Services (USCIS) released to **John Greenwald**, an individual in Northridge, California, a letter notifying him that the FOIA Logs for calendar year 2009 have been posted in the United States Citizenship and Immigration Services (USCIS) FOIA Reading Room.
- On March 25, 2010, United States Citizenship and Immigration Services (USCIS) released to **Paul Risenhoover**, from the **Robin Hood International Human Rights Legal Defense Fund** in Tainan City, American Formosa, a no records response relating to the FOIA request seeking information regarding the treatment of Formosans.
- On March 30, 2010, United States Citizenship and Immigration Services (USCIS) released to **Mark Roberts**, from the **National Association of Computer Consultant Businesses** in Alexandria, Virginia, documents relating to H-1B petitions, Fraud Referral Sheet from January 1, 2008 to present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), (b)(6), and (b)(7)(E).
- On March 30, 2010, United States Citizenship and Immigration Services (USCIS) released to **Jenny Small**, an investigative researcher, from **Judicial Watch**, in Washington, D.C., a no records response relating to the FOIA request for all records of communications, contacts or correspondence between the U.S. Embassy in Jakarta and/or any other component of the U.S. Department of State and the U.S. Citizenship and Immigration Services and/or any other component of the Department of Homeland Security concerning, regarding, or related to any and all decisions on (b) (6) Form I-212.
- On April 1, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Joshua Evans** with **Public Record Strategies** in Washington, D.C., a no records response relating to the FOIA request seeking copies of all complaints, inspections, or fines related to the following companies: The Hazlewood Group, LLC, Skyport Properties of Oregon, LLC, and/or Columbia/80, LLC.
- On April 1, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Jamie Nelson** with **Empire State Regional Council of Carpenters** a no records response relating to the FOIA request seeking records pertaining to federal agents arresting six illegal immigrants at the Carousel Center Mall in Syracuse, New York on February 26, 2009.

## V. Lawsuits

- In the matter of *All Party Parliamentary Group on Extraordinary Rendition et al. v. Department of Defense et al.*, (09-CV-02375-RMU) on

April 1, 2010, the Department of Homeland Security (DHS) issued a response to Plaintiffs concerning records referred to DHS by the U.S. National Criminal Bureau within the Department of Justice. DHS released to Plaintiffs two pages of TECS records with certain information withheld pursuant to FOIA Exemptions 2(high), 7C, and 7E.

- In the matter of Jaun C. Elso v. United States Immigration and Customs Enforcement, (E.D. VA. 3:07cv57) On March 26, 2010, The U.S. District Court for the Eastern District of Virginia issued an opinion, ordering U.S. Immigration and Customs Enforcement (ICE) to submit a limited supplemental brief describing ICE's duty to confirm another agency processed a referred FOIA request, and what standard the Court must apply to its review of any such referral.

## **FOIA Exemptions**

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of April 2 - 8, 2010**  
**Privacy Office**  
**April 12, 2010**  
**Weekly FOIA Report**

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

- U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Website an electronic FOIA Request Submission Form on March 15. This form allows a requester to enter in the necessary information for submitting a FOIA request (i.e. name, address, phone number, e-mail), describe the records they are seeking, clarify the fee category they fall under, and, if any, state the fee amount they are willing to pay. Once the "Submit Form" button is clicked, the request is sent to ICE FOIA's e-mail box. During the week of March 29 - April 2, 2010, ICE received 10 new FOIA requests via this web-form.

**II. FOIA Requests**

- On April 2, 2010, **Scott MacFarlane**, a Washington Correspondent with *COX Television*, in Washington, D.C., requested from the Office of Inspector General (OIG) all paperwork and reports involving three specific case numbers relating to complaints of ethics violations from OIG's investigative Enforcement Database System.
- On April 5, 2010, **Matthew McConico**, Assistant News Director with *KRNV News 4*, in Reno, Nevada, requested from the United States Secret Service (USSS) documents relating to the Sovereign Citizens Group the "Guardians of the Free Republics."
- On April 1, 2010, **Jim Giles**, a correspondent in the *New Scientist* requested from the United States Secret Service (USSS) copies of all records relating to search warrants, subpoenas, and/or court orders served annually by USSS investigators against the following companies: 1) Google; 2) Yahoo!; 3) Microsoft; 4) AOL; 5) Facebook; 6) Twitter; and 7) MySpace.
- On April 6, 2010, **Corinne Reilly**, a military reporter for *The Virginian-Pilot*, in Norfolk, Virginia, requested from the United States Coast Guard (USCG) records concerning the grounding of the vessel LA PRINCESA in November 2009.
- On April 7, 2010, **Sergio Chapa**, a reporter for *KGBT-TV*, in Harlingen, Texas, requested from the Department of Homeland Security (DHS) and the United States Customs and Border Protection (CBP) all available radar images or animation regarding a Mexican military helicopter that reportedly crossed into Zapata County, Texas, airspace on Tuesday, March 9, 2010 around 5:00 pm and then again on Sunday, March 28, 2010 around 3:30 pm.
- On April 7, 2010, **Suzanne Gamboa**, a journalist with the *Associated Press*, in Washington, D.C., requested from U.S. Immigration and Customs

Enforcement (ICE) copies of the ICE FOIA logs from December 2008 to the most current date the information is available.

- On April 8, 2010, **Nancy Morawetz**, a Supervising Attorney with **Washington Square Legal Services, Inc.**, in New York, New York, requested from the Department of Homeland Security (DHS) the following:  
1) Any agreements, understandings, or communications between U.S. Customs and Border Protection (CBP), U.S. Border Patrol, the Department of Homeland Security (DHS), and/or U.S. Immigration and Customs and Enforcement (ICE) regarding immigration checks on inter-city trains and buses (such as, but not limited to, Amtrak, Greyhound, and Trailways); 2) Any documents that contain any information regarding performance standards or arrest quotas, targets, goals and expectations for BP officers currently in effect or in effect during the past 6 years, preferably broken down by Sector and Station; 3) Any documents that contain any information regarding performance standards or arrest quotas, targets, goals and expectations for ICE officers, including those that can be satisfied by BP arrestees that are transferred to ICE custody currently in effect or in effect during the past 6 years; and 4) Any reports that contain information about persons arrested for immigration purposes on inter-city trains and buses during the past 6 years.
- On April 8, 2010, **Andrew Pedersen**, a representative of **Institute of World Politics**, in Washington, D.C., requested from the Department of Homeland Security (DHS) the FOIA case log for fiscal year 2009.
- On April 9, 2010, the Department of Justice (DOJ), Office of Information Policy, referred to the Department of Homeland Security (DHS) documents responsive to a May 20, 2009, request from **Christy Lombardi**, an individual in Washington, D.C., seeking copies of any correspondence between Congressman Charlie Dent (R-PA) or his staff and DOJ from January 1, 2005 to the present

#### Late Entries

- On February 18, 2010, **Todd Shepherd**, of **The Independence Institute** in Golden, Colorado, requested from U.S. Immigration and Customs Enforcement (ICE) copies of documentation detailing the policy and procedure changes and/or documentation of disciplinary action taken following the ICE 2008 "Lost, Damaged and Destroyed Report," specifically pertaining to the loss of the following items: 1) Two (2) Computer Network Switches; 2) Dell Computer; 3) Computer Router Switch; 4) Computer Server; 5) Computer Data General E6587A ECL; and 6) Three (3) Computer Switches.
- On March 4, 2010, **Stephen Losey**, reporter with the *Federal Times*, in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) various statistics on the hiring of Border Patrol Agents, such as new hire's age, gender, and military experience.



- On March 26, 2010, **Jeffrey Richelson**, an American author and academic researcher in Washington, D.C., requested from the United States Coast Guard (USCG) the organization chart for the USCG Intelligence Center.
- On March 26, 2010, **Robert Deasy**, an attorney from the **American Immigration Lawyers Association (AILA)**, in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) copies of all guidance issued by DHS or CBP regarding the Trusted Traveler Program “NEXUS,” including but not limited to instructions, training manuals, memoranda, standard operating procedures, eligibility standards, and appeal process.
- March 28, 2010, **Michael Karcher**, an individual in Temecula, California, requested from the United States Coast Guard (USCG) records concerning the September 11, 2001 terrorist attacks, specifically seeking the following: 1) The response from USCG Air Station Cape Cod; and 2) The flight records, type and number of aircraft deployed, and the time the aircraft were deployed.
- On April 1, 2010, **Eileen Sullivan**, a reporter with the *Associated Press*, requested from the Transportation Security Administration (TSA) e-mails dated December 25, 2009 and December 26, 2009 to or from the following officials: Gale Rossides, Art Macias, Keith Kauffman, James Douglas, and Kristen Lee.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On April 5, 2010 U.S. Immigration and Customs Enforcement (ICE) released to **Ghazal Tajmiri**, with the **National Immigration Law Center** in Los Angeles, California, 13 pages of records pertaining to the Secure Communities Program. These records were released in full.
- On April 6, 2010, .S. Immigration and Customs Enforcement (ICE) released to **Steven Emerson**, President of *SAE Productions* in Washington, D.C., 12 pages of records related to (b) (6). Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C).

### V. Lawsuits

- In the matter of *Ching You Yuan v. United States Bureau of Ship & Immigration Services (DHS), et al.*, (D. D.C 1:10-cv-00344-RMC) on March 3, 2010, the Plaintiff is seeking to compel the United States Citizenship and Immigration Services (USCIS) expedited processing and release of records pertaining to FOIA Request, NRC2010007663, in which the requester is seeking records pertaining to his status during the period of 1947 through 1955. The National Records Center currently has an open FOIA request, NRC2010007663 pending receipt of records.



- In the matter of Rubashkin v. United States Immigration and Customs Enforcement, (U.S. D.C. ND 09-cv-1034-LRR) On March 31, 2010, the first supplemental release was made and the Plaintiff agreed to a release plan of remaining responsive records in four installments over four months, beginning April 16, 2010.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of April 9 - 15, 2010

Privacy Office

April 19, 2010

### Weekly FOIA Report

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

- U.S. Immigration and Customs Enforcement (ICE) recently posted to its FOIA Website an electronic FOIA Request Submission Form. This form allows a requester to enter in the necessary information for submitting a FOIA request (i.e. name, address, phone number, e-mail), describe the records they are seeking, clarify the fee category they fall under, and, if any, state the fee amount they are willing to pay. Once the "Submit Form" button is clicked, the request is sent to ICE FOIA's e-mail box. During the week of April 5 – 9, 2010, ICE received three (3) new FOIA requests via this web-form.
- U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room the following records: 1) Four policy memoranda concerning the adjudication of stay requests filed by U-Visa nonimmigrant status applicants, detainee property management, and the post-order custody review process; 2) Parole statistics for arriving aliens found to have credible fear; 3) DHS Form G-134A-DHS Worksheet for Oral Report – Company; 4) The ICE Secure Communities Program's 2009 Strategic Plan; and 5) FOIA Logs for the months of January – November 2009, and January 2010.
- U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room the following records: 1) The average detainee populations of facilities throughout the United States during the months of December, 2009, January and February 2010; 2) Two Section 287(g) Memorandums of Agreement with the Las Vegas Metropolitan Police Department and the Missouri State Highway Patrol; 3) Ten detention facility inspection reports carried out by the ICE Office of Detention and Removal Operations in fiscal years 2008 and 2009.

#### II. FOIA Requests

- On April 9, 2010, **Dominick Yanchunas**, Associate Editor with *Professional Mariner* in Staten Island, New York, requested from the United States Coast Guard (USCG) records concerning a fatality on the vessel GATE-WAY on the Lower Mississippi River on January 2, 2008.
- On April 12, 2010, **Justin Cox**, an individual in New Haven, Connecticut, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding a General Accounting Office report dated January 2009, "Better Controls Needed Over Program Authorizing State and Local Enforcement of Federal Immigration Law."
- On April 14, 2010, **John Althen**, a representative of **Judicial Watch** in Washington, D.C., requested from the United States Secret Service (USSS)



the following: 1) All official visitor logs and/or other records concerning visits made to the Vice President's Residence and Office located on the grounds of the United States Naval Observatory from January 20, 2009 to the present; and 2) All official visitor logs and/or other records concerning the visits made to Vice President Joe Biden's residence in Wilmington, Delaware from January 20, 2009 to the present.

- On April 14, 2010, **Gaylan Stewart**, an individual in Spanish Fork, Utah, requested from United States Citizenship and Immigration Services (USCIS) a list of Utah employers using E-Verify, to include Memorandum of Understanding (MOU) date, city, address, and zip code.
- On April 15, 2010, **Matthew Pascarella**, a journalist and producer with *Journalism & Film* in New York, New York, requested from the United States Coast Guard (USCG) records concerning a hijacking incident on the ferryboat BARAGUA near the Florida Straits on April 2, 2003.
- On April 15, 2010, the Department of Health and Human Services referred to the Department of Homeland Security (DHS) documents responsive to a request from **Peter Eisler**, a reporter with *USA Today* in Washington, D.C., seeking internal CDC correspondence regarding the emergence and recognition of the influence virus A/H1N1 as a domestic or international threat.
- On April 15, 2010, **Ken Dilanian**, a National Security Correspondent with the *Los Angeles Times/Chicago Tribune Washington Bureau* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of Secretary Napolitano's directives pertaining to immigration and border security and any subsequent assessments that have been provided to her in response to them.
- On April 15, 2010, **Dominick Yanchunas**, an Associate Editor with *Professional Mariner* in Staten Island, New York, requested from the United States Coast Guard (USCG) records concerning a collision between tugboats HELEN G. CALYX and CHARLES CLARK on April 13, 2008.

#### Late Entry

- On March 1, 2010, **Nicholas Schmidle**, a writer with *The New York Times* in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) information regarding the counterfeit footwear industry, seeking the following: 1) Records relating to the investigation into Byron Scott McLaughlin's activities distributing counterfeit goods; 2) Incident reports from Mr. McLaughlin's arrest on November 28, 1989; and 3) Records of Mr. McLaughlin's flight from the United States in 1991 and attempts to arrest him in France and the Ivory Coast.
- On March 22, 2010, the United States Department of Agriculture (USDA) referred to U.S. Customs and Border Protection (CBP) a request from **Tracie L. Cone**, a reporter with the *Associated Press* in Fresno, California, seeking copies of data and documents relating to port inspections and potential pest entry for 2000-2009.

- On April 8, 2010, **Representative David Albo** (R-42), member of the **Virginia House of Delegates** in Richmond, Virginia, requested from United States Citizenship and Immigration Services (USCIS) a list of Virginia state and city government agencies using the SAVE program.
- On April 8, 2010, **Sergio Chapa**, a reporter with **KGBT-TV**, in Harlingen, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) radar or video images that may have been captured from an AeroStat balloon used by ICE located off of FM 755 in Starr County, Texas on Tuesday, March 9, 2010, and Sunday, March 28, 2010, of the Mexican military helicopter the reportedly crossed into U.S. airspace

### III. FOIA Appeals

- On March 22, 2010, **Sameer Ahmed**, a Skadden Fellow and **Veena Dubal**, a Staff Attorney with the **Asian Law Caucus** in New York, New York, appealed the response from United States Customs and Border Protection (CBP) to their request for: 1) February 2006 ICE memo authored by (b) (6) regarding federal agencies' creation and use of internal lists of "special interest countries"; 2) Documentation regarding the existence of any proposed list of countries classified as "special interest countries"; 3) Documentation regarding the existence of any proposed list of countries used for national security purposes, and 4) Documentation regarding the definition of "special interest alien."

### IV. FOIA Releases

- On April 8, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Dianne Solis**, Senior Writer with **Dallas Morning News** in Dallas, Texas, a response letter summarizing the Immigration and Nationality Act's empowering of the Department of Justice to institute denaturalization proceedings against persons who illegally obtained U.S. citizenship through fraudulent naturalization processes. No records were released.
- On April 9, 2010, the Office of Inspector General (OIG) responded to **Michael Grabell**, an investigative reporter with **ProPublica**, in New York, New York, seeking records pertaining to allegations of rape and sexual assault by a Boston Air Marshal. These pages were withheld in full pursuant to FOIA Exemptions 6 and 7(C).

### V. Lawsuits

- In the matter *Shanell James v. United States Drug Enforcement Administration, et al.*, (D.D.C. 08-CV-842-RMU) is seeking to compel the U.S. Immigration and Customs Enforcement (ICE) to release of records responsive to their FOIA request seeking a "Laboratory Analysis Report" used in the indictment No. #03-2712-O'Sullivan, and/or No. #03-20452-Ungaro-Benages.
- In the matter of *Rubashkin v. U.S. Immigration and Customs Enforcement (ICE)*, (N.D. Iowa 09-1034), on April 14, 2010, the Court accepted ICE's



timetable of releasing documents over the course of four months. Second Supplemental Release, consisting of 501 pages of responsive records, sent to Plaintiff's via FedEx on April 15, 2010.

### **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of April 30 – May 6, 2010

Privacy Office

May 10, 2010

### Weekly FOIA Report

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

- NSTR

#### II. FOIA Requests

- On April 30, 2010, **Eileen Sullivan**, a reporter with the *Associated Press*, in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all correspondence to and from Janet Napolitano, Noah Kroloff, Amy Schlossman, [sic] Jane Holl Lute, Matthew Chandler, Sean Smith, Rand Beers and Ivan Fong related to the BP oil spill, dating back to April 20, 2010.
- On April 30, 2010, **Ben Casselman**, a reporter with *The Wall Street Journal* in Dallas, Texas, requested from the United States Coast Guard (USCG) the following: 1) Copies of all inspection records filed between January 1, 2005, and April 20, 2010, regarding Deepwater Horizon mobile offshore drilling unit (MODU), including all equipment (blowout preventers, cementing equipment, etc.) connected to the MODU; 2) Copies of inspection records filed between January 1, 2005, and April 20, 2010, for all other semi-submersibles, drill ships and other MODUs capable of drilling in 1,000 feet or more of water that are owned and/or operated by Transocean Ltd., or any of its subsidiaries, including inspections of all equipments aboard those units; 3) Copies of inspection records filed between January 1, 2005, and April 20, 2010, for other MODUs, production platforms and other offshore facilities owned or operated by BP PLC or any of its subsidiaries; 4) Copies of any records of data collected by the USCG on rates of injury, death or environmental incidents aboard MODUs operating in the federal waters of the Gulf of Mexico between 2000 and 2010, including such rates for individual employers; and 5) Copies of complaints filed between 2000 and 2010 with the USCG, including those forwarded to the USCG by other agencies, from employees of Transocean Ltd or its subsidiaries relating to offshore safety or environmental protection.
- On May 5, 2010, **Justin Elliott**, a journalist with *Talking Points Memo* in Brooklyn, New York, requested from the United States Coast Guard (USCG) copies of all documents created between April 20, 2010, and May 3, 2010 that involve discussions of what to release publicly about conditions at the oil rig [Deepwater Horizon]; the initial explosion and resulting oil spill; the ongoing cleanup operation; the severity of the accident; and any other related information.
- On May 6, 2010, **Ryan Knutson**, a reporter with *ProPublica* in New York, New York, requested from the United States Coast Guard (USCG) copies of

all written or electronic correspondence between the USCG and Transocean, British Petroleum (BP), Halliburton from March 15 to May 2, relating to BP, the Deepwater Horizon, Transocean, Halliburton, remote shutoff device, acoustic switch, blowout preventer, shear ram, safety, compliance and inspections.

- On May 6, 2010, **Ryan Knutson**, a reporter with *ProPublica* in New York, New York, requested from the United States Coast Guard (USCG) the following: 1) Copies of any Deepwater Horizon personnel lists the USCG compiled during the rescue effort of the Deepwater Horizon; and 2) A list of employees/workers/contractors who were stationed in the Deepwater Horizon each year from 2000 to 2010.
- On May 6, 2010, **Montgomery McClain**, a representative of the **Blackthorn Investment Group, LLC.**, in Overland Park, Kansas, requested from the United States Coast Guard (USCG) documents regarding the Coast Guard's notification to Transocean of the oil spill, to include: 1) The notification sent by the USCG, under the provisions of the Oil Pollution Act of 1990 ("OPA"), to Transocean (and/or any related party) regarding the discharge from Deepwater Horizon; 2) The response from Transocean to the USCG denying Transocean's (and/or any related party's) designation as a responsible party; and 3) Any other internal documents and correspondence regarding or discussing the facts and circumstances used to determine the designation of a "responsible party" with regard to the underwater discharges from the well head at Macondo in the Mississippi Canyon Block 252.
- On May 3, 2010, **Chris Casey**, reporter for the *Greeley Tribune* in Greeley, Colorado, requested from United States Citizenship and Immigration Services (USCIS) statistical data on U-Visa applications.
- On May 3, 2010, **Marcia Hofmann**, a representative of the **Electronic Frontier Foundation** in San Francisco, California, requested from the Department of Homeland Security (DHS) records pertaining to U.S. CERT's use, if any, of auto-update features to distribute and install investigative software tools on computers.
- On May 3, 2010, **Fritz Kramer**, a journalist with the *American University Investigative Reporting Workshop/PBS FRONTLINE* in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) access to and copies of all H1B and H2A visa requests by Aircraft Workers Worldwide in the last 10 years for Mobile, Alabama and San Antonio, Texas. The requester was redirected to Department of State and Department of Labor.
- On May 4, 2010, **Vincent A. Piccone, M.D.**, an individual in Staten Island, New York, requested from the United States Secret Service (USSS) the following: 1) Copies of any letters to or from a (b) (6) or the New York State Department of Health; 2) Copies of any letters sent to or received from (b) (6) and 3) Copies of all records pertaining to a visit to the White House grounds in 1996-1997.
- On May 5, 2010, **Mike Ahlers**, the Homeland Security producer with *Cable News Network (CNN)* in Washington, D.C., requested from the United States



Coast Guard (USCG) all visual materials (video and still photographs) captured by Remotely Operated Vehicles (ROVs) engaged in the Deepwater Horizon incident in the Gulf of Mexico from the arrival of ROVs to May 3, 2010.

- On May 5, 2010, **Ami Desai**, an Inside Edition Producer with *Inside Edition*, requested from the United States Coast Guard (USCG) documents concerning the vessel FREEDOM and the 2005 disappearance of (b) (6)
- On May 6, 2010, **John Cook**, Senior National Reporter/Blogger, *Yahoo! News* in Brooklyn, New York, requested from the United States Secret Service (USSS) all records concerning a suspected attempt to poison or incapacitate President George W. Bush, First Lady Laura Bush, or any members of the White House staff or U.S. personnel attending the 33rd G8 Summit in Heiligendamm, Germany in June 2007.
- On May 6, 2010, **Josh Gerstein**, a reporter with *Politico* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all documents pertaining to recusals of Secretary Janet Napolitano under federal ethics or conflict of interest laws.
- On May 6, 2010, **Scott MacFarlane**, a correspondent with *CoxTV* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of Secretary Janet Napolitano's appointment calendar for March 2010, to include the logs of all her meetings and calls during March 2010.
- On May 6, 2010, **Scott MacFarlane**, a correspondent with *CoxTV* in Washington, D.C., requested from the Department of Homeland Security (DHS) a list of salaries, individual-by-individual, earned by all DHS employees in the U.S.
- On May 6, 2010, **David Perera**, a journalist with *Fierce Government IT* in Washington D.C., requested from the Office of Inspector General (OIG) a copy of the original version of OIG report #09-64 entitled, *Role of the No Fly and Selectee Lists in Securing Commercial Aviation*.
- On May 6, 2010, **Todd Spangler**, a correspondent with the *Detroit Free Press* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of any correspondence on any topic between DHS and any of Michigan's members of the U.S. Senate or House of Representatives or their staffs during 2009 and 2010.
- On May 7, 2010, **Ryan Singel**, a reporter with *Wired.com* in San Francisco, California, requested from the Department of Homeland Security (DHS) all incident reports filed with or by U.S. CERT that report the possible loss of Personally Identifiable Information from April 16, 2009, through April 15, 2010.

### III. FOIA Appeals

- On April 23, 2010, **John Althen**, a representative of **Judicial Watch, Inc.** in Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP) to their request for all statistical records



concerning human smuggling in the Tucson Sector for Fiscal years 2008 and 2009.

#### IV. FOIA Releases

- On April 30, 2010, the Office of Inspector General (OIG) released to **Bridget Kessler**, a representative of the **Center for Constitutional Rights**, 4 pages of complaint narratives OIG received, which contain specific search terms supplied by the requester. Portions of this response were withheld pursuant to FOIA Exemptions 6 and 7(C).
- On May 6, 2010, U.S. Customs and Border Protection released to **Samira Hussain**, a reporter for the **Canadian Broadcasting Corporation** in Toronto, Ontario, a two-page document reflecting complaints made directly to CBP regarding the following Northern Border Crossings: 1) STANDSTEAD: Stanstead, QC / Derby Line, VT; 2) ST-BERNARD-DE-LACOLLE: Lacolle, QC / Champlain, NY; 3) QUEENSTON-LEWISTON BRIDGE: Queenston, ON / Lewiston, NY -RAINBOW BRIDGE: Niagara Falls, ON / Niagara Falls, NY -PEACE BRIDGE: Fort Erie, ON / Buffalo, NY; 4) AMBASSADOR BRIDGE: Windsor, ON / Detroit, MI -BLUE WATER BRIDGE: Sarnia, ON / Port Huron, MI; and 5) DOUGLAS (PEACE ARCH): Surrey, BC / Blaine, WA -PACIFIC HIGHWAY: Surrey, BC / Blaine, WA.

#### V. Lawsuits

- In the matter of National Day Laborer Organizing Network et al. v. United States Immigration and Customs Enforcement et al., (S.D.N.Y. 10-CV-3488), the Department of Homeland Security (DHS) and its component, U.S. Immigration and Customs Enforcement (ICE) were named defendants. Plaintiff filed a complaint for injunctive relief to compel the agency to release records in response to a FOIA request pertaining to the Secure Communities program.

## **FOIA Exemptions**

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of May 7 - 13, 2010

Privacy Office

May 17, 2010

### Weekly FOIA Report

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

- U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room copies of the following: 1) Secure Communities Program's Memorandums of Agreement with the States of Iowa, Kentucky and Wyoming; and 2) FOIA Logs for the months of December 2008, and February and March 2010.

#### II. FOIA Requests

- On May 7, 2010, **Matthew Mosk**, a journalist with *ABC News* in Washington, D.C., requested from the United States Coast Guard (USCG) all underwater video footage and/or photos that show the leaking of oil at the scene of the Deepwater Horizon incident.
- On May 11, 2010, **Eileen Sullivan**, a reporter with the *Associated Press* in Washington, D.C., requested from the United States Coast Guard (USCG) the following: 1) All performance reviews and personnel files regarding (b) (6) since January 1, 2008; and 2) Emails and email attachments sent and received by (b) (6) concerning the oil industry, which includes BP, Halliburton, Transocean Ltd, Cameron, MI Swaco, Weatherford, Anadarko, MOEX USA and Dril-Quip.
- On May 12, 2010, **Rebecca Smith**, a staff reporter with *The Wall Street Journal* in San Francisco, California, requested from the United States Coast Guard (USCG) the following: 1) All documents in the possession of the USCG pertaining to the mobile offshore drilling unit, Deepwater Horizon, constructed in 2001 and owned by Transocean Ltd.; 2) All inspection documents and records of incident investigations including oil discharges, marine casualties, injuries, fatalities and any other records in the USCG possession; and 3) Records pertaining to the blowout that led to the vessel's total loss in April 2010, if those are available, including rescue efforts, fire fighting response and other matters.
- On May 7, 2010, **Marcia Hofmann**, a Senior Staff Attorney with *Electronic Frontier Foundation* in San Francisco, California, requested from the United States Secret Service (USSS) records from 2005 to the present, regarding the following: 1) Any instance in which the USSS has compelled or requested a software vendor to distribute any investigative software tool to a particular computer or computers by means of an auto-update feature; 2) Memoranda, policy statements, guidelines or other documents providing guidance on compelling or requesting software vendors to distribute investigative software tools; and 3) Correspondence



between the USSS and any software vendor about the automatic distribution of investigative software tools to particular targeted computers.

- On May 10, 2010, **Charles Bennett**, a reporter with the *New York Post* in New York, New York, requested from the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) a list of all airlines cited for violating provisions of no fly list, to include the following: 1) Names of the airlines; 2) A description of the violations; 3) Dates of the violations; and 4) What if any, penalties were assessed.
- On May 10, 2010, **Russ Buettner**, a reporter with *The New York Times* in New York, New York, requested from the United States Coast Guard (USCG) all records concerning USCG inspections of the vessel ANDREW J. BARBERI on July 23 2009 and April 15 2010.
- On May 10, 2010, **Christopher Ferrara**, an attorney with the **Catholic Lawyers Association, Inc.**, in Fairfield, New Jersey, requested from U.S. Customs and Border Protection (CBP) Buffalo Office a "Hate Map" or related materials purportedly sent by the Southern Poverty Law Center (SPLC).
- On May 10, 2010, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence to and from the White House to DHS political appointees who were appointed during the Obama Administration's Executive Order 13490.
- On May 10, 2010, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, D.C., requested from the Transportation Security Administration (TSA) the number of TSA staffers at the following airports for the years 2006 – 2010: 1) El Paso International Airport; 2) Charlotte Douglas Airport; 3) Hartsfield Jackson International Airport; and 4) Seattle-Tacoma Airport.
- On May 10, 2010, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, D.C., requested from the Federal Law Enforcement Training Center (FLETC) and from U.S. Customs and Border Protection (CBP) the following: 1) Copies of all electronic mail between staffers and officials with FLETC and staffers/officials in the office of Senator Jeff Bingaman (D-NM) in 2008-2010; and 2) Copies of all electronic mail between staffers and officials with CBP and staffers/officials in the office of Congressman Harry Teague (D-NM) in 2009-2010.
- On May 10, 2010, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) the following: 1) Copies of all electronic mail between staffers and officials with CBP and the following staffers/officials and in the offices of Congressman Silvestre Reyes (D-TX) and Congressman Harry Teague (D-NM): 1) Vincent Perez (office of Rep. Silvestre Reyes); 2) (b) (6) (office of Rep. Silvestre Reyes); 3) (b) (6) (office of Rep. Silvestre Reyes); 4) Perry Brody (office of Rep. Silvestre Reyes); 5) (b) (6) (office of Rep. Silvestre Reyes); 6) Salvador Payon (office of Rep. Silvestre Reyes); 7) (b) (6) (office of Rep. Silvestre Reyes); 8) (b) (6)

(b) (6) (office Rep. Harry Teague); 9) Adrian Saenz (office Rep. Harry Teague); 10) (b) (6) (office Rep. Harry Teague); 11) Peter Ambler (office Rep. Harry Teague); 12) (b) (6) (office Rep. Harry Teague); and 13) (b) (6) (office Rep. Harry Teague).

- On May 10, 2010, **Erica Orden**, the performing arts editor for the *Wall Street Journal* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) documents related to any worksite enforcement investigation of the Chelsea Art Museum in New York.
- On May 10, 2010, **Beth Schwartzafel**, a freelance journalist in Brooklyn, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding hunger strikes carried out at ICE detention facilities in the last two years.
- On May 10, 2010, **Marisa Taylor**, a National Correspondent with *McClatchy Newspapers* in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following: 1) Documents that identify companies and individuals associated with companies that have been debarred, sanctioned, or fined for employing undocumented immigrants between 2006 and 2010; and 2) Documents that list the locations of worksite enforcement actions and the reasons for these actions.
- On May 10, 2010, **Isaac Wolf**, a journalist with the *Scripps Howard News Service* in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following: 1) A complete database of arrests made under the 287(g) program between 2006 and the present; and 2) The entire database containing disbursement records to municipalities and states under the State Criminal Alien Assistance Program (SCAAP) from April 2007 to the present.
- On May 10, 2010, **Isaac Wolf**, a journalist with the *Scripps Howard News Service* in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) a complete database of inmate files associated with the State Criminal Alien Assistance Program (SCAAP) from April 2007 to the present.
- On May 11, 2010, **Ken Dilanian**, a National Security Correspondent with the *Los Angeles Times* in Washington, D.C., requested from the Department of Homeland Security (DHS) a copy of the database of records listing the name, phone number and email address of each DHS employee.
- On May 11, 2010, **Jesse Franzblau**, a research associate with *The National Security Archive* in Washington, D.C., requested from the Department of Homeland Security (DHS) records, including but not limited to, briefing papers, minutes, cables, reports, memoranda, letters, talking points, summaries, transcripts, analyses, interviews, memoranda of conversation and electronic mail messages, pertaining in whole or in part to Secretary of Homeland Security Janet Napolitano's trip to Mexico on March 23, 2010.
- On May 13, 2010, **Sasha Aslanian**, a reporter with *Minnesota Public Radio* in Saint Paul, Minnesota, requested from the Office of Inspector General (OIG) copies of any complaints that may have been filed by ICE



detainees housed in Minnesota jails, including Ramsey, Carver, Freeborn, Nobles and Sherburne jails.

- On May 13, 2010, **Walter F. Roche**, a reporter with *The Pittsburgh Tribune-Review* in Pittsburgh, Pennsylvania, requested from United States Citizenship and Immigration Services (USCIS) copies of all emails, memos or correspondence relating to the authorization or requested authorization for the transport and admission of children from orphanages in Haiti to the United States following the January 12, 2010 earthquake.

#### Late Entries

- On April 21, 2010, **Eric Wilkinson**, a reporter with *King 5 News* in Seattle, Washington, requested from the United States Coast Guard (USCG) all safety, inspection, ownership and any other applicable records pertaining to the vessel NORTHERN BELLE that sank on April 20, 2010.
- On May 5, 2010, **Renee Dudley**, a journalist with the *Boston Herald* in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) the following: 1) The number of worksite enforcement actions carried out in the State of Massachusetts since 2005; 2) The number of arrests and deportations resulting from these actions; 3) The cities or towns where these actions occurred; 4) The total number of deportations per year, since 2005, from the State of Massachusetts; and 5) Information pertaining to the Secure Communities Program in the State of Massachusetts.
- On May 6, 2010, **Josh Gerstein**, a reporter with *Politico* in Washington, D.C., requested from the Department of Homeland Security (DHS) and the United States Secret Service (USSS) copies of all records from and pertaining to the December 15, 2009, White House summit with entertainment executives on intellectual property rights, to include: 1) Transcripts; 2) Audio or video recordings; 3) Invitations and guest lists; and 4) Any other relevant records and notes.
- On May 6, 2010, **Todd Spangler**, the Washington Correspondent with the *Detroit Free Press* in Washington, D.C., requested from the United States Coast Guard (USCG) copies of the following: 1) All correspondence on any topic between the USCG and Michigan's U.S. Senate or House of Representative members or their staffs between 2009 and 2010; and 2) Copies of any correspondence to or from the USCG from 2009 – 2010 related to the Ambassador Bridge in Detroit and the Detroit River International Crossing, including but not limited to correspondence to or from owners, employees, representatives and consultants of the Detroit International Bridge Co., the Michigan Department of Transportation, Transit Canada and another other Canadian, U.S. or Michigan entities or officials, governmental or otherwise.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases



- On May 10, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Jacqueline Stevens**, a representative of the **University of California, Berkeley School of Law** in New York, New York, 103 pages of e-mail correspondence from the United States Claims to U.S. Citizenship e-mail box. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C).
- On May 10, 2010, U.S. Immigration and Customs Enforcement (ICE) notified **Marcia Carroll**, a representative of the **Multinational Monitor** in Washington, D.C., that their request was being administratively closed due to their failure to respond to a fee estimate.
- On May 11, 2010, Immigration and Customs Enforcement (ICE) informed **Isaac Wolf**, a journalist with the **Scripps Howard News Service** in Washington, D.C., that the U.S. Department of Justice, Office of Justice Programs may have information responsive to their request. ICE released no records to the requester.
- On May 11, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Tegan Millspaw**, a representative of **Judicial Watch, Inc.** in Washington, D.C., 50 pages of policy memoranda and statistics related to parole determinations. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On May 11, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with the **Houston Chronicle** in Houston, Texas, 30 pages of records associated with the use of tasers at various detention facilities since the beginning of fiscal year 2009. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C).
- On May 12, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Greg Harman**, a journalist with the **San Antonio Current** in San Antonio, Texas, 71 pages of records related to allegations of abuse and lack of medical care at the Port Isabel Detention Center between June 1, 2009 and the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C).
- On May 12, 2010, U.S. Immigration and Customs Enforcement (ICE) informed **David Armstrong**, a reporter with the **National Security News Services** in Washington, D.C., that they could not locate any records responsive to their request seeking records associated with the United Kingdom's (UK's) Independent Police Complaints Commission and their cooperation with the U.S. Department of Homeland Security in the British investigation of UK citizen (b) (6)
- On May 13, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Ryan Gabrielson**, a representative of the **Graduate School of Journalism with the University of California, Berkeley School of Law** in Berkeley, California, two Microsoft Excel spreadsheets listing statistics of arrests made under the Criminal Alien Program and the 287(g) Program during fiscal years 2007, 2008, 2009, and 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

- On May 13, 2010, the Department of Homeland Security (DHS) Management Directorate released to **Justin Elliot**, a representative of **TPM Media** in Brooklyn, New York, a one-page record, listing the names of all 18 DHS political appointees who converted to career positions from May 1, 2005 to May 30, 2009. These records were released in full.
- On May 13, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Lauren Gilger**, a representative of the **Walter Cronkite School of Journalism** in Phoenix, Arizona, one Microsoft Excel file listing detainees in ICE custody in the Phoenix, Arizona area of responsibility. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On May 13, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **David Schechter**, a representative of the **WFAA, The Spirit of Texas** in Dallas, Texas, a one-page record listing one prisoner who departed the United States voluntarily after being transferred to ICE custody from a county jail in fiscal year 2009.
- On May 13, 2010, U.S. Immigration and Customs Enforcement (ICE) administratively closed the request from **Justin Blum**, a reporter with the **Bloomberg News** in Washington, D.C., due to their failure to file a signed third party consent form. They requested all records associated with an individual's criminal investigation.

## V. Lawsuits

- In the matter of *Electronic Frontier Foundation v. Department of Defense et al.*, in which the Plaintiff is seeking injunctive relief in connection with FOIA requests for information concerning the government's use of social-networking websites as investigative, surveillance, and data collection tools, on May 5, 2010, the United States Secret Service (USSS) released documents in response to Plaintiff's FOIA request.
- In the Matter of *Ferrigno v. DHS*, (USDC SD New York 09-5878), Plaintiff rejected the settlement agreement over the issue of paying search fees. A conference call with the U.S. Immigration and Customs Enforcement (ICE) Office of the Principal Legal Advisor and the Assistant U.S. Attorney is scheduled for May 13, 2010 to discuss changes to the declaration. A final version of this declaration is to be signed on May 14, 2010.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of April 23 - 29, 2010**

**Privacy Office**

**May 3, 2010**

**Weekly FOIA Report**

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

- NSTR

**II. FOIA Requests**

- On April 23, 2010, **Garance Burke**, a reporter with the *Associated Press* in San Joaquin Valley, California, requested from the United States Coast Guard (USCG) records relating to all offshore oil rigs owned by Transocean Ltd.
- On April 23, 2010, **Marcia Hoffman**, a Senior Staff Attorney with the **Electronic Frontier Foundation** in San Francisco, California, requested from the U.S. Secret Service (USSS) records from 2007 to the present, including the following: 1) Records concerning any instance in which the Secret Service has compelled or requested a certificate authority to sign or issue a digital certificate; 2) Records reflecting instances in which the Secret Service has compelled or requested a certificate authority to sign or issue a digital certificate designating a governmental entity as an intermediate certificate authority that could issue digital certificates itself; 3) Memoranda, policy statements, guidelines or other documents that provide guidance on compelling or requesting certificate authorities to sign or issue digital certificates, or otherwise using digital certificates for investigative or intelligence gathering purposes; and 4) Records reflecting the Secret Service's purchase or use of any network hardware from Packet Forensics LLC capable of performing lawful intercepts on SSL/TLS encrypted connections, including, but not limited to, the hardware described in the attached paper.
- On April 23, 2010, **Jason Smathers**, a representative of *SBC Voices* in Topock, Arizona, requested from U.S. Customs and Border Protection (CBP) entry/exit records of a deceased individual.
- On April 26, 2010, **Justin Blum**, a reporter with the *Bloomberg News* in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) records pertaining to the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
- On April 26, 2010, **Garance Burke**, a reporter with the *Associated Press* in San Joaquin Valley, California, requested from the United States Coast Guard (USCG) all records stored in the Marine Information Safety and Law Enforcement System (MISLE) relating to all offshore oil rigs owned by Transocean Ltd.

- On April 26, 2010, **Elizabeth Leete**, an attorney in Hartford, Connecticut, requested from United States Citizenship and Immigration Services (USCIS) a copy of "Naturalization Quality Procedures."
- On April 26, 2010, **Martha Mendoza**, a reporter with the *Associated Press* in Ciudad, Mexico, requested from U.S. Customs and Border Protection (CBP) a document titled "BorderStat Violence FY2009 Year in Review."
- On April 26, 2010, **Robert O'Harrow**, a staff writer with the *Washington Post* in Washington, D.C., requested from the Department of Homeland Security (DHS) documents relating to the Advanced Spectroscopic Portal (ASP) development program and the Domestic Nuclear Detection Office (DNDO) communication with the Government Accountability Office (GAO) relating to the ASP program. Specifically, the request seeks an expansive list of documents listed on a spreadsheet previously provided to Mr. O'Harrow by the DHS Office of Public Affairs.
- On April 26, 2010, **Dr. Richard Tansey**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) correspondence since September 11, 2004, between all federal agencies and the following: 1) DHS DC; 2) DHS Baghdad; 3) DHS programs for protecting Iraqi Borders; and 4) DHS Secretary Thomas Ridge; 5) Secretary. Michael Chertoff; 6) Robert "Duke" Bodisch; and 7) General David Petraus.
- On April 27, 2010, **Robert O'Harrow**, a staff writer with the *Washington Post* in Washington, D.C., requested from the Department of Homeland Security (DHS) records pertaining to DHS Acquisition Alert 07115, from June 2007, to specifically include any reports, memos or written analyses that resulted from the "OCPO's recent analysis of several contracts utilizing the Federal Acquisition Regulation (FAR) 19.805.1 (b) sole source award authority."
- On April 27, 2010, **Carlos Holguin**, an attorney with the *Center for Human Rights and Constitutional Law* in Los Angeles, California, requested from United States Citizenship and Immigration Services (USCIS) records pertaining to AAO's operations, policies, procedures, and organization. (This request was also reported on the October 22, 2009, report of significant interest cases. The original case was closed for failure to respond to a request to narrow the scope of the request.)
- On April 27, 2010, **Joel Stonington**, a reporter with *The Wall Street Journal* in New York, New York, requested from U.S. Customs and Border Protection (CBP) all documents relating to the seizure of art or cultural artifacts at ports of entry New York and New Jersey between January 1, 2008, and the present.
- On April 28, 2010, **Garance Burke**, a reporter with the *Associated Press* in San Joaquin Valley, California, requested from the United States Coast Guard (USCG) all records stored in the Marine Information Safety and Law Enforcement System (MISLE) relating to all offshore vessels and facilities from the date MISLE was established to present.



- On April 28, 2010, **Zach Edwards**, an individual in Houston, Texas, requested from the Department of Homeland Security (DHS) correspondence to or from Texas Governor Rick Perry (R-TX), his office or individuals identified as his staff, since January 1999.
- On April 28, 2010, **Michael Grabell**, a staff writer with *Pro Publica* in New York, New York, requested from the Transportation Security Administration (TSA) all research studies that have been conducted or reviewed by the TSA into the radiation risks and safety of the backscatter X-ray scanners and the millimeter wave scanners.
- On April 28, 2010, **David Perera**, a freelance reporter with *Fierce Government IT* in Washington, D.C., requested from the Office of Inspector General (OIG) a copy of the classified version of OIG report #10-75 entitled, "Evaluation of Newly Deployed and Enhanced Technology and Practices at the Passenger Screening Checkpoint."
- On April 29, 2010, **E.J. Graff**, Associate Director and Senior Researcher with *The Schuster Institute for Investigative Journalism* in Waltham, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) any records in the possession of USCIS officials of the information or intelligence that raised "grave concerns about the reliability of Nepal's adoption system and the accuracy of the information in children's official files," as cited in the State Department's Consular Affairs Office of Children's Issues March 4, 2010, Adoption Alert.
- On April 29, 2010, **E.J. Graff**, Associate Director and Senior Researcher with *The Schuster Institute for Investigative Journalism* in Waltham, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) records pertaining to activities in relation to the adoption of Ethiopian children to American parents.

#### Late Entries

- On March 30, 2010, **Jonathon Shacat**, a reporter with the *Bisbee Daily Review* in Bisbee, Arizona, requested from the U.S. Customs and Border Protection (CBP) video footage of a shooting incident involving a CBP officer near Douglas, Arizona on the morning of January 4, 2010.
- On April 1, 2010, the U.S. Department of Justice (DOJ) referred to U.S. Customs and Border Protection (CBP) documents responsive to a request from **Dane Schiller**, a reporter with the *Houston Chronicle* in Houston, Texas, who seeks documents related to Pablo Acosta, a Mexican national who was the head of a drug cartel based in Ojinaga, Mexico.
- On April 19, 2010, **Pia Malbran**, a reporter with *CBS News* in Miami, Florida, requested from the Transportation Security Administration (TSA) records pertaining to how many and what kinds of security breaches have occurred at the 35 OEP commercial airports from 2002 to the present.
- On April 19, 2010, **Pia Malbran**, a reporter with *CBS News* in Miami, Florida, requested from the Transportation Security Administration (TSA) records pertaining to how many weapons in total have been found,



obtained and/or seized at the 35 OEP commercial airports from 2002 to the present.

- On April 21, 2010, **Jeffrey Anderson**, a reporter with the *Washington Times* in New York, New York, requested from the Transportation Security Administration (TSA) all service level agreements and contract performance reviews for the IT contracts with Unisys and all other IT providers.

### III. FOIA Appeals

- On April 30, 2010, **Karen Kaiser**, Assistant General Counsel for the *Associated Press* in New York, New York, appealed the response from the Department of Homeland Security (DHS) and National Protection Programs Directorate to their request seeking the following: 1) 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 (NCS), which functions under the Office of Cyber Security and Communications (OCSC) within the National Protection and Programs Directorate (NPPD), including submitted 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), dating from the inception of the TSP program; 2) 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 Government Emergency Telecommunications Service (GETS) programs, which are also administered by NCS, including copies of submitted GETS/WPS Request forms, dating from the inception of these programs; and 3) 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 FCC, dating to the inception of the TSP program.

### IV. FOIA Releases

- On April 23, 2010, the Office of Inspector General (OIG) released to **Spencer Hsu**, a staff reporter with the *Washington Post* in Washington, D.C., the following records: 1) A list containing the name, agency, work assignment/post, years of employment, arrest date, nature of crime, date of conviction, length of sentence and fine amount of every DHS employee arrested and/or convicted of corruption related charges from 2003 to the present; and 2) A list of narratives of complaints OIG received pertaining to corruption investigations of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and United States Citizenship and Immigration Services (USCIS) employees for Fiscal

Years 2008 and 2009. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), 7(A), and 7(C).

- On April 26, 2010, the Office of Inspector General (OIG) released to **Scott McFarlane**, a correspondent with **COX Television** in Washington, D.C., 14 pages of records pertaining to their request for OIG reports of investigation. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2) high, (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), and (b)(7)(F).
- On April 29, 2010, the Office of Inspector General (OIG) released to **Bridget Kessler**, a Clinical Teaching Fellow with **Cardozo School of Law** in New York, New York, nine (9) pages of records pertaining to their request for records relating to the Secure Communities program.

## V. Lawsuits

- In the matter of *National Day Laborer Organizing Network et al. v. United States Immigration and Customs Enforcement et al.*, (S.D.N.Y. 10-CV-3888), the Department of Homeland Security (DHS) and its component, U.S. Immigration and Customs Enforcement (ICE) were named defendants. Plaintiff filed a complaint for injunctive relief to compel the agency to release records in response to a FOIA request pertaining to the Secure Communities program.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of May 14 - 20, 2010**  
**Privacy Office**  
**May 24, 2010**  
**Weekly FOIA Report**

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

- NSTR

**II. FOIA Requests**

- On May 13, 2010, **Richard Block**, Secretary of the **National Mariners Association** in Houma, Louisiana, requested from the United States Coast Guard (USCG) the MISLE Activity number, MISLE Case Number, and other Key information pertaining to the M-831, Drilling Rig TRANSOCEAN DEEPWATER HORIZON blowout and sinking, April 20, 2010.
- On May 17, 2010, **Richard Hymel**, counsel to Transocean Holdings LLC with **Preis & Roy Law Corporation** in Lafayette, Louisiana, requested from the United States Coast Guard (USCG) all documents subpoenaed by the USCG and Mineral Management Service for the upcoming USCG/MMS Marine Board Investigation hearing.
- On May 17, 2010, **Michael Kunzelman**, a journalist with *The Associated Press* in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) all correspondence between the USCG, BP PLC, the National Oceanic Atmosphere Administration relating to the May 13, 2010 release of video taken at the Deepwater Horizon's well head.
- On May 18 2010, **Ray Henry**, a journalist with *The Associated Press* in Atlanta, Georgia, requested from the United States Coast Guard (USCG) the following: 1) Copies of daily personnel time recording documents and overtime logs, cost estimate data forms, equipment time reports; 2) Copies of tickets, invoices for equipment and incident personnel time reports held by the Area Command in Robert, Louisiana related to the oil spill; and 3) Any contract and agreements with vendors held by the Area Command related to the oil spill.
- On May 18, 2010, **Nick Maran**, a representative of the **Elliott Management Corporation** in New York, New York, requested from the United States Coast Guard (USCG) all records concerning USCG inspections of the vessel DEEPWATER HORIZON for all time periods.
- On May 18, 2010, **Jim Morris**, a project manager with **The Center for Public Integrity** in Washington, D.C., requested from the United States Coast Guard (USCG) all correspondence between USCG and Transocean and between USCG and Minerals Management Service regarding safety inspections of DEEPWATER HORIZON from January 1, 2001 to present day.

- On May 18, 2010, **Christopher Scholl**, a producer with *CBS Evening News* in Washington, D.C., requested from the United States Coast Guard (USCG) all video or pictures recorded in any fashion by BP or the federal government after the explosion on April 20, 2010.
- On May 20, 2010, **Anne Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** and **Greenpeace** in Washington, D.C., requested from the United States Coast Guard (USCG) the following: 1) Copies of any and all video feeds that capture in whole or in part any aspect of the British Petroleum (BP) Deepwater Horizon oil spill in the Gulf of Mexico (BP oil spill) including but not limited to, the ongoing live video feed of the BP oil spill provided by BP; 2) All documents that mention, refer, or relate to USCH communications concerning the use of dispersants in the course of any efforts to mitigate or clean up the BP oil spill, including, but not limited to, all internal USCG communications as well as all communications to, by, or from the USCG to the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, the Department of the Interior, BP, Halliburton, or Transocean regarding the use of dispersants in the course of any efforts to mitigate or clean up the BP oil spill; and 3) All USCG Daily Operational Reports that refer in whole or in part to the BP Oil Spill including but not limited to, any mention or description of anything captured on any of the video feeds referenced in (1) above.
- On May 14, 2010, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from United States Citizenship and Immigration Services (USCIS) all records and information recorded in the USCIS FOIA database and tracking systems regarding the receipt, processing and responses provided on FOIA remands from the DHS General Counsel's Office and/or the U.S. federal courts for the period FY 2005 to the current date, including copies of the original request letter, the FOIA appeal letter USCIS acknowledgement letter of the original request and of the remanded case, USCIS final response to the original FOIA request and the remanded case.
- On May 17, 2010, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from United States Citizenship and Immigration Services (USCIS) copies of instructions, training materials, forms and templates relating to USCIS procedures and practices in handling FOIA remands.
- On May 18, 2010, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from United States Citizenship and Immigration Services (USCIS) records concerning the FOIA database and tracking systems used by USCIS in handling FOIA requests and remands.
- On May 19, 2010, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of ENFORCE



database statistical reports of Field Operations: Border Patrol Operations (G.23.13) for fiscal years 2005 to 2010.

- On May 19, 2010, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the ENFORCE database Alien Booking Module (EABM) User Manual, Version 7.0.
- On May 14, 2010, **Jacqueline Stevens**, a professor with **University of California** in Santa Barbara, California, requested from United States Citizenship and Immigration Services (USCIS) records relating to an individual in U.S. Immigration and Customs Enforcement (ICE) custody.
- On May 17, 2010, **Jim Hoffer**, a reporter with **ABC News** in New York, New York, requested from the United States Coast Guard (USCG) all safety, inspection, ownership and any other applicable records pertaining SPIRIT OF AMERICA, GUY MOLINARI and JOHN MARCHI for the period of January 2007 to present.
- On May 17, 2010, **Scott MacFarlane**, a reporter with **COX TV** in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) the following records: 1) Copies of all correspondence (written or electronic) between FEMA and staffers in the office of Ohio Governor Ted Strickland (D) in 2009 and 2010; 2) Copies of all correspondence (written or electronic) between FEMA and staffers in the office of Pennsylvania Governor Ed Rendell (D) in 2009 and 2010.
- On May 17, 2010, **Ajmel Quereshi**, an attorney with the **American Civil Liberties Union of Maryland** in Baltimore, Maryland, requested from U.S. Immigration and Customs Enforcement (ICE) agreements between ICE and Prince George's County, Maryland relating to the Secure Communities Program.
- On May 18, 2010, **Nina Bernstein**, a reporter with **The New York Times** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) Documents showing any and all contracts for the redesign and production of the new biometric Permanent Resident cards; 2) Any and all documents that project the future cost of replacing old cards; and 3) Documents that assess or discuss privacy concerns related to the Radio Frequency Identification feature of the new card.
- On May 20, 2010, **Sean Cairneross**, Chief Counsel of the **National Republican Senatorial Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between Congressman Brad Ellsworth (D-IA) or his staff and DHS between January 3, 2007 and May 14, 2010.
- On May 20, 2010, **Frank Graziano**, a professor and author with **Connecticut College** in New London, Connecticut, requested from U.S. Customs and Border Protection (CBP) all documents pertinent to Operation Monkey Wrench 1, 2, 3 (three iterations, circa 2004-2008).
- On May 20, 2010, **Chris Ingalls**, a reporter with **King 5 News** in Seattle, Washington, requested from the United States Coast Guard (USCG)



documents relating to the length of all vessels that have been involved in recreational boating accidents or deaths over the last ten years or so.

- On May 20, 2010, **Gregory Talmage**, a representative of **Grindstone Research** in Nashville, Tennessee, requested from U.S. Immigration and Customs Enforcement (ICE) records involving Catesa Farms and (b) (6) of Riddleton, Tennessee.
- On May 21, 2010, the Department of State referred to the Department of Homeland Security (DHS) documents responsive to a November 30, 2007 request from **Christopher Calabrese**, Counsel, Technology and Liberty Program the **American Civil Liberties Union** in New York, New York, seeking records pertaining to the creation of Japan's system similar to the United States US Visit Program.

#### Late Entries

- On May 10, 2010, **Chelsea Kopta**, a reporter with **KEPR-TV Action News** in Pasco, Washington, requested from the Transportation Security Administration (TSA) all security violations at the Tri-Cities, Yakima Air Terminal, and Sca-Tac airports in Washington State from year 2000 to current date, to include: 1) All documents about weapons that were caught by airline screeners including firearms, knives, explosives, tear gas and incendiary devices; and 2) All documents pertaining to non weapon-related violations including unauthorized vehicles on tarmacs, failure to run luggage through X-ray equipment before being loaded onto a plane, and allowing people without proper security screening or badges to enter secure areas.
- On May 13, 2010, **Sean Cairneross**, Chief Counsel of the **National Republican Senatorial Committee** in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) all correspondence initiated by the office of Congressman Charlie Melancon (D-LA) between January 3, 2005 and April 28, 2010.

### **III. FOIA Appeals**

- NSTR

### **IV. FOIA Releases**

On May 17, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Ajmel Quereshi**, an attorney with the **American Civil Liberties Union of Maryland** in Baltimore, Maryland, 11 pages of records pertaining to their request for agreements between ICE and Prince George's County, Maryland relating to the Secure Communities Program. Portions of this response were withheld pursuant to FOIA Exemption (b)(6) and (b)(7)(C).

- On May 17, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Sean Riordan**, an attorney with the **American Civil Liberties Union of San Diego & Imperial Counties** in San Diego, California, 14 pages and 2 Excel files pertaining to their request for records relating to the Secure Communities Program in San Diego County and Imperial

County, California. Portions of this response were withheld pursuant to FOIA Exemption (b)(2)High, (b)(6), and (b)(7)(C).

- On May 17, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, an immigration reporter with the *Houston Chronicle* in Houston, Texas, 454 pages of records pertaining to their request for detention facility inspections carried out in the State of Texas. Portions of this response were withheld pursuant to FOIA Exemption (b)(2)High, (b)(6), and (b)(7)(C).
- On May 18, 2010, the United States Coast Guard (USCG) released to **Richard Block**, the Secretary of the **National Mariners Association** in Houma, Louisiana, the activity number pertaining to the Drilling Rig TRANSOCEAN DEEPWATER HORIZON blowout and sinking, April 20, 2010. This request was granted in full. No exemptions were claimed.
- On May 19, 2010, the United States Secret Service (USSS) released documents to **Douglas Carlson**, an individual from San Francisco, California, concerning the report entitled "Multi-Agency Response to Concerns Raised by the Joint Congressional Committee on Inaugural Ceremonies for the 56th Presidential Inauguration." Portions of this response were withheld pursuant to FOIA Exemption (b)(2)High, (b)(6), and (b)(7)(C).
- On May 19, 2010, the United States Secret Service (USSS) released documents to **Michael Ravnitzky**, an individual from Silver Spring, Maryland, concerning the report entitled "Multi-Agency Response to Concerns Raised by the Joint Congressional Committee on Inaugural Ceremonies for the 56th Presidential Inauguration." Portions of this response were withheld pursuant to FOIA Exemption (b)(2)High, (b)(6), and (b)(7)(C).
- On May 20, 2010, U.S. Immigration and Customs Enforcement (ICE) informed **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, that their request was being administratively closed due to their lack of a response to a fee estimate letter mailed to them on May 5, 2010.

#### Late Entry

- On May 13, 2010, U.S. Immigration and Customs Enforcement (ICE) informed **Suzanne Gamboa**, a writer for *Associated Press* in Washington, D.C., that logs of incoming FOIA requests going back to December 2008 are available in the ICE FOIA Electronic Reading Room.

## **V. Lawsuits**

- In the matter of *Ferrigno v. DHS*, (USDC SD New York 09-5878), the Plaintiff rejected the settlement agreement over the issue of paying search fees. A final version of the Declaration was submitted to the Court on Friday, May 14, 2010 along with a Motion for Summary Judgment.
- In the matter of *Rubashkin v. U.S. Immigration and Customs Enforcement*, (USDC ND Iowa 09-cc-1034-LRR), the Court accepted our timetable of

releasing documents over the course of four months on a “rolling” basis on April 14, 2010. The third supplemental release, consisting of 863 pages of responsive records was sent to Plaintiffs via FedEx on May 20, 2010.

- In the matter of *Judicial Watch v. DHS*, (1:10-cv-00301), in which the Plaintiff is challenging constructive denial of their FOIA request due to USCIS’s failure respond within the twenty-day statutory time limit. Additionally, the request was forwarded to ICE on March 23, 2010. A no records response letter was sent to Plaintiff on May 14, 2010 informing the Plaintiff that the Department of Justice maintains S visa records. Per Assistant U.S. Attorney Hudak, the Plaintiff agreed that USCIS had no obligation to refer the request to ICE. As such, ICE was not subject to the suit and had already agreed to settle the case in exchange for USCIS paying their filing fee.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of May 21 - 27, 2010

Privacy Office

May 31, 2010

### Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room the following records: 1) The ICE Secure Communities Program's Memorandum of Understanding with the New York State Division of Criminal Justice Services; and 2) Updated Excel spreadsheet listing ICE detainee deaths.
- II. FOIA Requests**
- On May 24, 2010, **Larry McMahan**, vice president for performance with **Transocean**, requested from the United States Coast Guard (USCG) copies of next of kin letters sent by the USCG to the families of those who lost their lives during the Deepwater Horizon oil spill. (Case number 2010FOIA2288).
  - On May 25, 2010, **Christopher Horner**, a representative with **Competitive Enterprise Institute** in Washington, D.C., requested from the United States Coast Guard (USCG) copies of all records in USCG's possession which use the following words or phrases: "Gulf", "Deepwater", or "BP", and "burn", "burning", "ignite", "green", "greens", "environmental", "environmentalist", "environmentalists", "EPA", "air quality", "Gouguet", "Defenders of Wildlife", "Sierra", or "Friends of the Earth" (also "FoE"). (Case Number 2010FOIA2303).
  - On May 26, 2010, **Jason Dearen**, a reporter with the *Associated Press* in San Francisco, California, requested from the United States Coast Guard (USCG) copies of all electronic mail communications and correspondence related to the Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010, between the USCG personnel and academic or administrative staff from the following institutions: 1) University of South Florida's College of Marine Science; 2) Rutgers University; 3) University of Georgia; 4) University of Southern Mississippi; 5) University of Mississippi; 6) Texas A&M Corpus Christi; 7) Florida State University; 8) Stevens Institute of Technology; 9) Louisiana State University; 10) Tulane University; 11) University of California, Berkeley; 12) Scripps Institution of Oceanography at the University of California, San Diego; and 13) Rice University. (Case Number 2010FOIA2308).
  - On May 26, 2010, **Andrew Lehren**, the Projects Editor with the *New York Times* in New York, New York, requested from the United States Coast Guard (USCG) copies of test results of all water samples reported to the USCG, or collected by the USCG, from the Gulf region beginning April 20, 2010 to the present. (Case number 2010FOIA2309).



- On May 21, 2010, **Elizabeth Merrill**, senior writer for **ESPN.com** in Omaha, Nebraska, requested from United States Citizenship and Immigration Services (USCIS) a copy of (b) (6) file. (Case number COW201000026).
- On May 24, 2010, **Collin Cambell**, a reporter with **WNYC New York Public Radio** in New York, New York, requested from the United States Coast Guard (USCG) records pertaining to the Staten Island Ferry boats John J. Marchi and Andrew J. Barberi, from May 1, 2009 through May 10, 2010. (Case number 2010FOIA2293).
- On May 24, 2010, **Kaia Jocobi**, Associate Producer with **Sirens Media** in Silver Spring, Maryland, requested from the United States Coast Guard (USCG) all records appertaining to an alleged fake distress call placed by Marcus Schrenker on January 11, 2009. (Case number 2010FOIA2291).
- On May 25, 2010, **Tegan Millspaw**, a representative of **Judicial Watch** in Washington, D.C., requested from requested from United States Citizenship and Immigration Services (USCIS) records regarding estimates of the number of people applying for amnesty from January 2009 to the present. (Case number COW201000030).
- On May 27, 2010, **Justin Blum**, a reporter with **Bloomberg News** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records related to a criminal investigation involving (b) (6) (Case Number 2010FOIA4664)
- On May 27, 2010, **Emily Carey**, a program coordinator with the **American Civil Liberties Union of New Mexico** in Las Cruces, New Mexico, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the Otero County Processing Center to include: 1) Agreements; 2) Training documents; 3) Inspections; 4) Staffing numbers; 5) Policies and procedures; and 6) Budgeting information. (Case Number 2010FOIA4671).
- On May 27, 2010, the Department of State (DoS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Jesse Franzblau**, a research associate with **The National Security Archive** in Washington, D.C., seeking all documents related to reports of abuses committed against Central American migrants traveling through Mexico en route to the U.S. (Case number 10-0739 Franzblau Initial Request).

#### Late Entries

- On May 18, 2010, **Timothy Sheridan**, a representative of **The National Treasury Employees Union** in Oakland, California, requested from the Transportation Security Administration (TSA) a copy of the investigation in reference to a TSA employee at Kona International Airport in Hawaii. (Case number TSA10-0538).
- On May 20, 2010, **Udi Ofer**, Advocacy Director with the **New York Civil Liberties Union** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records related to



grievances filed by detainees housed in the Orange County Correctional Facility in New York 10924. (Case Number 2010FOIA4498).

### III. FOIA Appeals

- On May 17, 2010, **Jonathon Shacat**, a reporter with the *Sierra Vista Herald/Bisbee Daily Review* in Bisbee, Arizona, appealed the response from U.S. Customs and Border Protection (CBP) to his request for a copy of video footage of a shooting incident involving a CBP official near Douglas, Arizona, on January 4, 2010.

### IV. FOIA Releases

- On May 20, 2010, U.S. Immigration and Customs Enforcement (ICE) notified **Ghazal Tajmiri**, a representative of the **National Immigration Law Center** in Los Angeles, California, their request was closed administratively due to a failure to comply. (Case Number 2010FOIA131)
- On May 23, 2010, United States Citizenship and Immigration Services (USCIS) notified **Mariam Tauber**, a representative with **Centro De Los Derechos Del Migrante, Inc.**, in Miami Florida, their request was closed administratively due to a failure to comply. (Case number NRC2009032526).

### V. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (SDNY 10-3488), in which the Plaintiff is challenging constructive denial, improperly denied their request for a fee waiver and expedited processing with regard to ICE FOIA Case Number 2010FOIA2674. A litigation “kick-off” meeting is being held on May 27, 2010, to discuss how the scope of the request may be narrowed, search issues, the types of documents likely to be found, and potential problem areas.
- In the matter of *National Lawyers Guild v. DHS*. (USDC ND California 08-5137), in which the Plaintiff is challenging DHS withholding determinations regarding Stipulated Removal records. On April 1, 2010, Plaintiffs identified redactions on 165 pages where they want a *Vaughn* Index describing the documents and the information withheld. A draft *Vaughn* Index was submitted to the Assistant U.S. Attorney on May 28, 2010.
- *Urdaneta v. IRS and ICE*, (USDC DC 09-2405), in which the Plaintiff is challenging ICE’s final determination to withhold records in their entirety relating to ICE FOIA Case Number 2009FOIA4387. A supplemental release of approximately 250 pages was sent to Plaintiff on May 28, 2010.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of May 28 – June 3, 2010

Privacy Office

June 7, 2010

### Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room the following records: 1) A contract for ICE's access to the Choicepoint Public Records Database, awarded on April 1, 2010; 2) A list of Intergovernmental Service Agreement facilities utilized by ICE in Fiscal Year 2010; 3) Five (5) detention facility inspection reports carried out by the ICE Office of Detention and Removal Operations in the State of Texas in 2009; and 4) The average detainee populations at various detention facilities throughout the United States in the months of March and April 2010.
- II. FOIA Requests**
- On May 28, 2010, **Kim Plonsky**, a paralegal with **Meunier & Warshauer Law Firm** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) certified copies of any and all eye witness statements taken in connection with the BP Deepwater Horizon blowout on April 20, 2010. (Case Number 2010FOIA2360).
  - On May 28, 2010, **Anupama Narayanswamy**, an investigative writer with the **Sunlight Foundation** in Washington, D.C., requested from the Department of Homeland Security (DHS) all emails between the Secretary of DHS, Janet Napolitano, from April 20, 2010 through May 28, 2010, which contain any or all of the following terms: 1) British Petroleum (BP); 2) Deepwater Horizon; 3) Oil Spill; 4) Gulf oil spill; and 5) Transocean. (Case Number 10-0747).
  - On May 28, 2010, **Emily Probst**, a Producer with **CNN News** in Atlanta, Georgia, requested from the United States Coast Guard (USCG) all correspondence, emails, video and/or audio recordings of distress calls made by Deepwater Horizon and/or any other vessels in proximity of the explosion on April 20, 2010. (Case Number 2010FOIA2361).
  - On May 31, 2010, **Lee Zurik**, an Anchor/Reporter with **WVUE-TV** in Washington, D.C., requested from the United States Coast Guard (USCG) an electronic copy of all emails to and from Admiral Thad Allen from April 20, 2010 thru May 30, 2010. (Case Number 2010FOIA2355).
  - On June 3, 2010, **Michael Amish**, a FGBC Certifying Agent with **Building Solutions** in Gainesville, Florida, requested from the United States Coast Guard (USCG) the number of aircrafts allowed in the air during the search and rescue operation that took place following the Deepwater incident, as well as the fuel burn rate of each aircraft. (Case Number 2010FOIA2389).



- On June 3, 2010, **Kurt Arnold**, a representative of the **Arnold & Itkin Law Firm** in Houston, Texas, requested from the United States Coast Guard (USCG) copies of the transcripts of all hearings and proceedings that took place on May 11, 2010, conducted by U.S. Minerals Management Service (MMS) and the USCG at the Radisson airport hotel in New Orleans, Louisiana, concerning the Deepwater Horizon incident. (Case Number 2010FOIA2388).
- On May 27, 2010, **Wright Thompson**, senior writer with *ESPN The Magazine* in Oxford Mississippi, requested from United States Citizenship and Immigration Services (USCIS) the A-file of (b) (6) (Case number COW2010000037).
- On May 28, 2010, **Wright Thompson**, a senior writer with *ESPN The Magazine*, in Oxford, Mississippi, requested from United States Citizenship and Immigration Services (USCIS) the A-file of (b) (6) (Case number COW2010000040).
- On May 28, 2010, **Wright Thompson**, a senior writer with *ESPN The Magazine*, in Oxford, Mississippi, requested from United States Citizenship and Immigration Services (USCIS) the A-file of (b) (6) (Case number COW2010000041).
- On June 3, 2010, **Steven Emerson**, President of **SAE Productions**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) the A-file of Faisal Shahzad. (Case Number COW2010000044).
- On June 4, 2010, **Steven Emerson**, President of **SAE Productions**, in Washington, D.C., requested from the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) all records related to Faisal Shahzad, suspected DOB of June 30, 1979, born in Pakistan that pre-date May 1, 2010, to include records from: 1) TECS; 2) NAILS; and 3) Central index system. (Case Number 10-0755).
- On May 28, 2010, **Peter Jamison**, a staff writer with the **San Francisco Weekly** in San Francisco, California, requested from the United States Coast Guard (USCG) a list of all corporations that own or manage ships enrolled in the USCG's QUALSHIP 21 Program. (Case Number 2010FOIA2358).
- On May 30, 2010, **Caroline Titus**, Publisher/Editor with *The Ferndale Enterprise* in Ferndale, California, requested from the United States Coast Guard (USCG) copies of any documents pertaining the 2006 discovery of the Cape Mendocino First-Order Fresnel Lens. (Case number 2010FOIA2356).
- On June 1, 2010, **Rachel D'Oro**, a reporter with the *Associated Press* in Anchorage, Alaska, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) Number of undocumented workers hired by military contractors who were apprehended at the security entrance gates of U.S. military installations in all 50 states at any time in 2009; 2) Number of undocumented workers hired by military contractors who breached the security entrance gates of U.S. military installations in all 50 states in calendar year 2009, who were later apprehended inside the installations; 3) Names of the military installations

where undocumented workers were apprehended at security entrance gates and the number and nationalities of the workers involved in each incident; and 4) Names of the military installations where the known breaches occurred, the number of breaches that occurred there, and the number and nationalities of undocumented workers involved in each breach. (Case Number 2010FOIA4681).

- One June 3, 2010, **Laura Crimaldi**, a reporter with the ***Boston Herald*** in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding the number of ICE detainees held in Massachusetts State correctional institutions. (Case Number 2010FOIA4772).
- On June 3, 2010, **Helen Harnett**, Director of Policy for the **National Immigrant Justice Center** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding the detention reforms announced on August 6, 2009. (Case Number 2010FOIA4764).
- On June 3, 2010, **Wendy Fry**, an Investigative Journalist with ***NBC News*** in San Diego, California, requested from the United States Coast Guard (USCG) any and all records maintained in the MISLE database as well as the National Response Center database in relation to any open pollution cases in the San Diego Bay area and surrounding coastline. (Case Number 2010FOIA2378).
- On June 4, 2010, the Department of State referred to the Department of Homeland Security (DHS) documents responsive to a request from **Christopher Farrell**, Director of Investigations & Research with **Judicial Watch, Inc.**, in Washington, D.C., seeking any and all agency records concerning children as the intended targets of terrorism, the veracity of terror threats specifically against children, prevention and/or preparedness, the health system response and psychological consequences of terrorism targeting children. (Case Number 10-0760).

#### Late Entries

- On May 25, 2010, **Kathy Curran**, a reporter with ***CBS Boston WBZ-TV*** in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) any and all records pertaining to the JetBlue pilot incident at Logan Airport on Thursday, May 20, 2010. (Case Number TSA10-0556).
- On May 27, 2010, **Sheri L. Mooney**, an individual, in Buffalo, New York, requested from United States Citizenship and Immigration Services (USCIS) a list of petitioning companies in the Buffalo, Rochester and Syracuse areas related to all I-129 petition filings (H1B, L-1, TN) for 20007 to present.

### **III. FOIA Appeals**

- NSTR

### **IV. FOIA Releases**



- On June 1, 2010, the United States Citizenship and Immigration Services (USCIS) released to **Elizabeth Merrill**, a senior writer with **ESPN**, in Omaha, Nebraska, 76 pages records pertaining to their request for the A-file of (b) (6). Portions of this response were withheld pursuant to FOIA Exemption (b)(2), (b)(6), (b)(7)(C), and (b)(7)(E).
- On June 1, 2010, United States Citizenship and Immigration Services (USCIS) released to **Paul Risenhoover**, a representative of the **Robin Hood International Human Rights Legal Defense Fund** in Tainan City, American Formosa, a no records response for documents relating to USCIS compliance with 18 U.S.C. § 2424(b) made by the Vatican City and any entity or person affiliated with the Catholic Church.
- On June 2, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Sebastian Mollo**, a representative of **Pharmaceutical Security Institute** in Vienna, Virginia, 7 pages of records listing the senders and recipients of pharmaceutical produces seized during Operation Holiday Hoax, which ran from December 8, 2009 to December 13, 2009. These records were released in full. (Case Number 2010FOIA1689)
- On June 2, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Nick Stern**, a reporter with *The Frederick News-Post* in Frederick, Maryland, 8 pages of records detailing the addresses and phone numbers of all detention facilities in the States of Maryland, Virginia, West Virginia, and Pennsylvania from January 1, 2007 through December 23, 2009. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C). (Case Number 2010FOIA2269)
- On June 2, 2010, United States Citizenship and Immigration Services (USCIS) closed as a duplicate the request submitted by **Michael Ravintzky**, an individual, in Silver Spring, Maryland, for USCIS reports to congress not available on the INTERNET from January 1, 2008 to present.
- On June 3, 2010, the Department of Homeland Security (DHS), Management Directorate released to **Lou Michel**, a staff writer with *The Buffalo News* in Buffalo, New York, 17 pages of records related to SES bonus and salary data. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High and (b)(6).

#### Late Entries

- On May 27, 2010, the United States Secret Service (USSS) released to **Douglas Carlson**, an individual in San Francisco, California, additional information concerning the report entitled "Multi-Agency Response to Concerns Raised by the Joint Congressional Committee on Inaugural Ceremonies for the 56th Presidential Inauguration". Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(6), (b)(7)(C) and (b)(7)(E).

## **V. Lawsuits**



- In the matter of Judicial Watch v. U.S. Secret Service, (09-CV-02312), plaintiff filed its Reply in Support of its Motion for Partial Summary Judgment and Opposition to Defendant's Cross-Motion in which the Plaintiff is challenging U.S. Secret Service (USSS) response to their FOIA request seeking "[a]ll official visitor logs and/or other records concerning visits made to the White House from January 20, 2009 to the present." The USSS responded that the records sought were Presidential Records under the Presidential Records Act, and the request was referred to White House Counsel's Office.
- In the matter of National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al., (SDNY 10-3488), in which the Plaintiff is challenging constructive denial, also claiming that ICE improperly denied Plaintiff's request for a fee waiver and expedited processing with regard to ICE FOIA Case Number 2010FOIA2674, a litigation "kick-off" meeting was held on May 27, 2010, to discuss how the scope of the request could be narrowed, search issues, the types of documents likely to be found, and potential problem areas. A second meeting was held on June 3, 2010 with ICE FOIA, Secure Communities, OPLA, and FOIA counterparts from NPPD and the FBI to discuss how to handle duplicate records and litigation strategy.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of June 4 - 10, 2010**  
**Privacy Office**  
**June 14, 2010**  
**Weekly FOIA Report**

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

- On June 9, 2010, U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room the following records: 1) Secure Communities Memorandums of Agreement with the State of Connecticut and the State of Florida; 2) A Secure Communities Fact Sheet and Secure Communities Program presentations given to ICE staff and visiting organizations.

**II. FOIA Requests**

- On April 29, 2010, **Scott Bickford**, an attorney with the law offices of **Martzell & Bickford** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) all correspondence, tapes, investigative files, radio traffic and/or phone calls transcripts related to the Deepwater explosion that occurred on April 21 (sic), 2010. (Case Number 2010FOIA2432).
- On May 20, 2010, **James Phillips**, the First Assistant Attorney General in the **Office of the Attorney General** in Baton Rouge, Louisiana, requested from the United States Coast Guard (USCG) any information on the actual and potential ecological impacts associated with the Deepwater drilling spills in the Gulf of Mexico. (Case Number 2010FOIA2431).
- On June 3, 2010, **Justin Pritchard**, a reporter with the *Associated Press* in Los Angeles, California, requested from the United States Coast Guard (USCG) a copy of the audio recordings made by the National Response Center (NRC) reporting an incident that occurred on April 21, 2010. (Case Number 2010FOIA2395).
- On June 8, 2010, **Pamela Tikellis**, an attorney with **Chimicles & Tikellis Law Office** in Wilmington, Delaware, requested from the United States Coast Guard (USCG) the following information: 1) Records relating to meetings or communications between USCG and BP; and 2) A copy of the BP Exploration and Production Plan for the Deepwater Horizon. (Case Number 2010FOIA2477).
- On June 9 2010, **Johnny Wong**, information management staff with **Davidson Kempner Capital Management** in New York, New York, requested from the United States Coast Guard (USCG) a copy of the incident report for the Deepwater Horizon incident on April 20, 2010. (Case Number 2010FOIA2478).
- On June 9, 2010, **Eileen Sullivan**, a reporter with the *Associated Press* in Washington, D.C., requested from the United States Coast Guard (USCG) copies of all communications regarding the decision to declare the



Deepwater Horizon oil spill a "spill of national significance" (SONS). (Case Number 2010FOIA2479).

- On June 9, 2010, **Anne Weismann**, Chief Counsel with **Citizens for Responsibility and Ethics** in Washington, D.C., requested from the United States Coast Guard (USCG) the following information: 1) All studies, assessments, presentations, and scenarios conducted by USCG regarding the oil spill; 2) Any exercises conducted from 2002 to present year; and 3) Any records related to Shoreline Clean-up Assessment Team and their involvement in the Gulf of Mexico. (Case Number 2010FOIA2480).
- On June 7, 2010, **Jacqueline Stevens**, a reporter with **The Nation** in New York, New York, requested from U.S. Customs and Border Protection (CBP) a copy of the form "Expedited Removal Checklist" used by agents working in ports of entry. (CBP FOIA # 2010F12972).
- On June 8, 2010, **Wendy Saltzman**, Chief Investigative Reporter with **CBS Atlanta News** in Atlanta, Georgia, requested from the Transportation Security Administration (TSA) the following records: 1) Computerized records of complaints at Hartsfield-Jackson International Airport; 2) Copies of complaint forms received by TSA at Hartsfield-Jackson International Airport; 3) Any reports or audits compiled by the TSA regarding complaints at Hartsfield Jackson International Airport; and 4) Audits of complaints from January 1, 2007 - present at Hartsfield-Jackson International Airport. (Case Number TSA10-0578).
- On June 9, 2010, **Renee Feltz**, a freelance reporter for **AlterNet** in New York, New York, requested from the Office of Inspector General (OIG) all documents pertaining to a complaint submitted by a third party to the OIG. (OIG FOIA #2010-127).
- On June 9, 2010, **Lauren Gilger**, a Master's student at the **Walter Cronkite School of Journalism** in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) access to a database listing every detainee in ICE custody between January 1, 2000 and January 1, 2010. (Case Number 2010FOIA4874) .
- On June 9, 2010, **Scott MacFarlane**, a reporter with **Cox Television** in Washington, D.C., requested from the Office of Inspector General (OIG) a DHS-OIG report of investigation pertaining to the FPS that was completed in either 2009 or 2010. (OIG FOIA #2010-126).
- On June 9, 2010, **Lauren Smiley**, a beat reporter with the **San Francisco Weekly** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) information regarding all companies and government agencies in the San Francisco area that were charged with immigration law violations in the past five years. (Case Number 2010FOIA4867).

#### Late Entries

- On May 27, 2010, **Chris Ingalls**, a reporter with **KING 5 News** in Seattle, Washington, requested from U.S. Customs and Border Protection (CBP) the

following records; 1) Copies and information showing the CBP Blaine Sector prosecution guidelines for referral of criminal cases to the US Attorney's Office, Western District of Washington; and 2) Prosecution guidelines used by CBP agents at the Blaine Sector for the past ten years and documents detailing the changes in each of the last ten years (CBP FOIA #2010F12613).

- On May 28, 2010, **Melissa Segura**, a reporter for *Sports Illustrated* in New York, New York, requested from U.S. Customs and Border Protection (CBP) information related to the questioning, detention and/or arrest of or seizure of goods or money from David Scott Wilder at the Miami International Airport or San Juan Luis Munoz Marin Airport between October 2007 and June 2008. (CBP FOIA #2010f12487).
- On June 3, 2010, **Scott MacFarlane**, a reporter with *Cox Television* in Washington, D.C., requested from the Transportation Security Administration (TSA) copies of any complaints made to TSA from passengers who were examined by whole body imagers between December 24, 2009 and June 3, 2010. (Case Number TSA10-0567).
- On June 3, 2010, **Scott MacFarlane**, a reporter with *Cox Television* in Washington, D.C., requested from the Transportation Security Administration (TSA) copies of the following TSA claims: 2007073029359, 2007073129413, 2007080129482, 2007080829641, 2007080929973, 2007081330166, 2007082430817, 2007082730931, 2007101233327, 2007101233353, 2007101933743, 2009102964957, 2009110565146, 2009111065257, 2009121566554, 2010011167409. (Case Number TSA10-0568).
- On June 3, 2010, **Scott MacFarlane**, a reporter with *Cox Television* in Washington, D.C., requested from the Transportation Security Administration (TSA) a copy of the TSA Medical Guidelines for Transportation Security Screeners. (Case Number TSA10-0569).
- On June 3, 2010, **Artie Tefft**, an assignment editor with *WJAR-TV* in Cranston, Rhode Island, requested from the United States Coast Guard (USCG) transmissions from a hoax phone call that took place on June 1, 2010. (Case number 2010FOIA2434).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On June 7, 2010, U.S. Immigration and Customs Enforcement (ICE) informed **Erica Orden**, performing arts editor at the *Wall Street Journal* in New York, New York, that their request was being denied in full due to a pending investigation of the Chelsea Art Museum in New York, New York. (Case Number 2010FOIA4200).
- On June 7, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Gregory Talmage**, Principal of **Grindstone Research** a no records response for records referencing Catesa Farms. (Case Number 2010FOIA4475).



- On June 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Daniel Gluck**, Senior Staff Attorney with the **American Civil Liberties Union of Hawaii** in Honolulu, Hawaii, 58 pages of records referencing ICE interactions with the Maui Police Department or the County of Maui, Hawaii. Portions of this response were withheld pursuant to FOIA Exemption (b)(2)High, (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2010FOIA2432).
- On June 7, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Todd Shepherd**, an investigative reporter with ***The Independence Institute*** in Golden, Colorado, 278 pages of records detailing the policies issued and procedures carried out following the ICE's 2008 Lost, Damaged, and Destroyed Property Report. Portions of this response were withheld pursuant to FOIA Exemption (b)(2)High and (b)(6). (Case Number 2010FOIA2636).
- On June 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Jesse Robbins**, Program Director with the **Washington State Dairy Federation** in Elma, Washington, 148 pages of records referencing the worksite enforcement action carried out at the Chamberlain Dairy Farm in Moses Lake, Washington in August, 2009. Portions of this response were withheld pursuant to FOIA Exemption (b)(2)High, (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2010FOIA3303).

## V. Lawsuits

- NSTR



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of June 11 - 17, 2010

Privacy Office

June 21, 2010

### Weekly FOIA Report

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

- On June 17, 2010, U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room the Secure Communities Program's signed Memorandum of Agreement with the State of South Dakota.

#### II. FOIA Requests

- On June 10, 2010, **James Mason**, a Division Training Chief with the **Siloam Springs Fire Department** in Siloam Springs, Arkansas, requested from the United States Coast Guard (USCG) a copy of the Incident Organization Chart ICS 207 and the daily Incident Action Plan for April 20, 2010 through June 1, 2010. (Case Number 2010FOIA2488).
- On June 10, 2010, **Alan Levin**, a reporter with **USA Today** in Washington, D.C., requested from the United States Coast Guard (USCG) copies of all Incident Action Plan forms and documents from the Deepwater Horizon Response Unified Command, from April 20, 2010 through June 10, 2010. (Case Number 2010FOIA2489).
- On June 11, 2010, **Stern Bramson** requested from the United States Coast Guard (USCG) information on the USCG's legal position on "condoning the USCG's cooperation with BP hiring non-documented vessels and unlicensed crew personnel aboard vessels." (Case number 2010FOIA2491).
- On June 11, 2010, **Erin Levin**, a producer with **CNN** in Atlanta, Georgia, requested from the United States Coast Guard (USCG) the following: 1) Any interviews conducted in conjunction to MMS/USCG Joint Investigation; 2) BP's annual training records; and 3) Any correspondence relating to the MMS inspections of BP. (Case Number 2010FOIA2490).
- On June 13, 2010, **Yobie Benjamin**, Principle of **TrueCarbon.Com** and blogger in San Francisco, California, requested from the United States Coast Guard (USCG) the following records: 1) A list of countries that have offered to help respond to the BP oil spill; 2) A list of countries and their respective offers that were accepted and put into service in the theater of operations; 3) The list of countries and their respective offers that were not accepted and therefore not put in the theater of operations; and 4) The reasons why certain countries and their respective offers were not accepted by the Deepwater Horizon Unified Command. (Case Number 2010FOIA2492).
- On June 14, 2010, **Ray Henry**, a writer with the **Associated Press** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) a copy of the letter submitted to Admiral James Watson by BP PLC in response



to instructions made in a letter to BP on June 11, 2010. (Case Number 2010FOIA2503).

- On June 14, 2010, **Felicity Barringer**, an Environmental Reporter with the *New York Times* in San Francisco, California, requested from the United States Coast Guard (USCG) copies of the latest version of the Recovered Oil/Waste Management Plan from the BP oil spill. (Case Number 2010FOIA2505).
- On June 14, 2010, **Alex Larrieux**, a representative of the **Center of Constitutional Rights** in New York, New York, requested from the United States Coast Guard (USCG) a copy of the following: 1) National Contingency Plan; 2) Area Contingency Plan; and 3) The Facility Response Plan for the Deepwater Horizon oil spill that exploded on April 20, 2010 in the Gulf of Mexico. (Case Number 2010FOIA2506).
- On June 17, 2010, **Albert Huang**, an environmental justice attorney with **Natural Resources Defense Council** in New York, New York, requested from the United States Coast Guard (USCG) the following: 1) All sampling data of the Louisiana crude oil from the Deepwater Horizon oil spill; 2) Any high-resolution video of the oil leak; and 3) Any information collected from the fishermen and cleanup crews regarding dead or stranded wildlife sightings. (Case Number 2010FOIA2550).
- On June 17, 2010, **Max Webster**, a representative of the **Law Offices of F. Gerald Maples** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) any documents containing ambient air and water quality readings from every monitoring station in Southern Louisiana from April 20, 2010 to present. (Case Number 2010FOIA2551).
- On June 17, 2010, **Eileen Sullivan**, a reporter with the *Associated Press* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all communications starting on April 20 and through the present regarding the decision to declare the Deepwater Horizon oil spill a "spill of national significance," from and within these agencies and offices: 1) The Secretary and Deputy Secretary; 2) Chief of Staff; 3) General Counsel; 4) Public Affairs; 5) Policy; 6) Assistant Secretary for Land and Minerals Management; 7) Minerals Management Assistant Secretary for Water and Science; and 8) U.S. Fish and Wildlife Service and Solicitor's. (Case Number 10-0777).
- On June 12, 2010, **Andrew Becker**, a Staff Reporter with the *Center for Investigative News* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) the following records: 1) Reports pertaining to use of force by any CBP employees, from 2003 to the present; and 2) A chronological list of all reports of incidents involving firearms incidents with a breakdown by date of shooting/discharge of weapon, location of incident, related field office. (2010F13526).
- On June 12, 2010, **Andrew Becker**, a Staff Reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from the Transportation Security Administration (TSA) the following records: 1) Reports pertaining to use of force (use of force incident data) by any and all



Federal Air Marshal and/or TSA employees, from 2003 to the present; and 2) All reports of incidents involving firearms, use of force events, and/or enforcement related officer safety issues, including unintentional discharge of weapon. (Case Number TSA10-0595)

- On June 12 2010, **Andrew Becker**, a Staff Reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from the United States Coast Guard (USCG) the following records: 1) Reports pertaining to the use of force by any USCG employees, from the year 2003 to present year; and 2) All reports of incidents involving firearms, use of force events, and/or enforcement related officer safety issues, including unintentional discharge of weapon. (Case Number 2010FOIA2494).
- On June 15, 2010, **Andrew Becker**, a Staff Reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from the Office of Inspector General (OIG) all records pertaining to use of force and/or attempted use of force by any and all DHS employees for years 2003 to present. (OIG FOIA #2010-131).
- On June 13, 2010, **Alberto Ponce de Leon**, a reporter with the *El Diario de El Paso Newspaper* in El Paso, Texas, requested from U.S. Customs and Border Protection (CBP) copies of any videos regarding the shooting incident of a Mexican teenager under the Paso del Norte Bridge on June 7, 2010, between the border of El Paso, Texas, and the City of Juarez. (2010F13174)
- On June 14, 2010, **Antonio Olivo**, a reporter with the *Chicago Tribune* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the record layout for criminal and administrative arrests made by ICE, to include the following operations and programs: 1) Operation Community Shield; 2) Fugitive Operations Team; Secure Communities program; 3) Operation Predator; 4) Worksite Enforcement Program; and 5) Human Trafficking Center. (Case Number 2010FOIA4902).
- On June 14, 2010, **Antonio Olivo**, a reporter with the *Chicago Tribune* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) all electronic data that denotes criminal and administrative arrests by ICE in the Chicago region since January 1, 2005. (Case Number 2010FOIA4916).
- On June 14, 2010, **Mark Fleming**, the National Litigation Coordinator of the **National Immigrant Justice Center** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding detainers (form I-247) issued to other law enforcement entities on or after January 1, 2007. (Case Number 2010FOIA4923).
- On June 18, 2010, Cynthia Grady, an EPIC Internet Public Interest Opportunities Program Clerk with the *Electronic Privacy Information Center* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of the results of the operational environment testing for Full Body Scanning (FBS) devices and all other related reports, memoranda, or other records, to specifically include communications concerning testing of "Advanced Image Technology" in control and operational settings. (Case Number 10-0785).

#### Late Entries

- On June 7, 2010, **Joel Millman**, a reporter with *The Gazette Newspaper of Colorado Springs* in Colorado Springs, Colorado, requested from U.S. Customs and Border Protection (CBP) all information regarding participation of CBP aircraft agents (Air and Marine) on April 27, 2010, in assisting Colorado Springs police. (2010F13159)
- On June 10, 2010, **Melissa del Bosque**, a reporter with the *Texas Observer Magazine* in Austin, Texas, requested from U.S. Customs and Border Protection (CBP) the Borderstat Violence Reports for the following fiscal years: 1) 2006; 2) 2007; 3) 2008; and 4) 2009. (CBP FOIA # 2010F13399).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On June 14, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **David Armstrong**, Bureau Chief of the *PEC National Security News Service* in Alexandria, Virginia, four (4) pages of correspondence between the U.S. Customs Service and the Office of Foreign Assets Control relating to Operation Green Quest. Portions of this response were withheld pursuant to FOIA Exemption (b)(2)High, (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2010FOIA3925).
- On June 14, 2010, the Office of Inspector General (OIG) released to **Sasha Aslanian**, a producer with the *Minnesota Public Radio* in Saint Paul, Minnesota, a narrative list of complaints received by OIG pertaining to Minnesota jails. Portions of this response were withheld pursuant to FOIA Exemption (b)(6), (b)(7)(A), and (b)(7)(C). (OIG FOIA #2010-111).

### V. Lawsuits

- In the matter of *Rubashkin v. U.S. Immigration and Customs Enforcement*, (USDC ND Iowa 09-cc-1034-LRR), The Court accepted the DHS-proposed timetable of releasing documents over the course of four months on a “rolling” basis on April 14, 2010. The fourth supplemental release is being sent to Plaintiff on June 18, 2010.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), Plaintiff filed a complaint April 27, 2010, claiming constructive denial, improperly denied request for a fee waiver, and expedited processing pertaining to ICE FOIA Case Number 2010FOIA2674. A meeting between the AUSA, the ICE FOIA Office, Secure Communities, and the ICE Office of the Principal Legal Advisor was held on June 16, 2010 to discuss the type of records located, the need to significantly narrow the scope of the request to make it more manageable, and fees.



- In the matter of Von Grabe v. DHS, et al., (M.D. Fla. 09-2162), Plaintiff filed a complaint December 28, 2009, claiming the Department of Homeland Security violated the Plaintiff's civil rights for failing to produce a copy of an I-130 petition filed on his behalf by his daughter, the Department filed a Declaration in support of our Motion for Summary Judgment, stating that the Plaintiff never submitted a FOIA request to ICE, has been signed, and will be filed on June 25, 2010.
- In the matter of Families for Freedom, et al. v. CBP, et al., (S.D.N.Y. 10-2705), Plaintiff's amended complaint filed on May 21, 2010, added U.S. Immigration and Customs Enforcement (ICE) to an ongoing suit against U.S. Customs and Border Protection (CBP) seeking to compel the disclosure of records relating to CBP's practice of questioning passengers on buses and trains along the northern border of the U.S. The ICE FOIA Office received the request in question on April 6, 2010, referred the case to CBP as it sought CBP records, notified Plaintiff that the request was referred to CBP and closed the case.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of June 18 - 24, 2010

Privacy Office

June 28, 2010

### Weekly FOIA Report

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

- On June 23, 2010, U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room an updated version of a spreadsheet listing detainees that have died while in ICE custody.

#### II. FOIA Requests

- On May 25, 2010, the Department of Interior referred to the United States Coast Guard (USCG) documents responsive to a request from **Paul Skrabanek**, a representative with the **Law Offices of Arnold and Itkin, LLP**, in Houston, Texas, seeking all correspondence pertaining to any statements given to the Mineral Management Service (MMS) from Darren Costello who was a passenger on the Deepwater Horizon at the time of the explosion on April 20, 2010. (Case Number 2010FOIA2611).
- On June 18, 2010, **Andrew Becker**, a Staff Reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from the United States Secret Service (USSS) the following records: 1) Reports pertaining to the use of force by any USSS employees, from the year 2003 to present year; and 2) All reports of incidents involving firearms, use of force events, and/or enforcement related officer safety issues, including unintentional discharge of weapon. (Case Number 06-18-10 USSS).
- On June 18, 2010, **Amber Dixon**, a reporter with **KGBT Channel 4** in Harlingen, Texas, requested from U.S. Customs and Border Protection (CBP) copies of the reporter's verbatim transcript of the arbitration held October 1, 2009, between the Department of Homeland Security (DHS), Hidalgo/Pharr, Texas, and the National Treasury Employees Union, Chapter 149. (CBP FOIA # 2010F13543).
- On June 18, 2010, **Jennie Pasquarella**, a staff attorney with the **American Civil Liberties Union of Southern California** in Los Angeles, California, requested from the United States Secret Service (USSS) records related to the policies and procedures of USCIS with respect to the naturalization process. (NRC2010000083)
- On June 23, 2010, **Ben Jones**, a correspondent with **USA Today** and the bureau chief of **The Post-Crescent** in Madison, Wisconsin, requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) a listing of DHS grants made to state and local agencies since September 11, 2001, for the purchase of armored vehicles. (Case Number 10-192).
- On June 21, 2010, **Catherine Besteman**, a researcher with **Colby College** in Waterville, Maine, requested from United States Citizenship and Immigration



Services (USCIS) statistical data relating to the number of Somalis who have naturalized in the state of Maine since 2001. (NRC2010000085).

- On June 21, 2010, **Harini Raghupathi**, a Skadden Fellow with the **American Civil Liberties Union Foundation** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding an April 2, 2010, incident involving ICE and passengers on a Global Transportation charter bus en route from Denver, Colorado, to an Armway Convention in Omaha, Nebraska, at an Omaha McDonald's restaurant at 2410 Cuming Street. (Case Number 2010FOIA5072).
- On June 21, 2010, **Todd Shepherd**, an investigative reporter with the **Independence Institute** in Golden, Colorado, requested from U.S. Immigration and Customs Enforcement (ICE) copies of annual reports of Foreign Gifts Received from Individuals received during from January 1, 2009 to the present. (Case Number 2010FOIA5106).
- On June 23, 2010, **Emily Willard**, a representative of the **National Security University** in Washington, D.C., requested from the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) documents related to the creation, policies, and operation of the Border Enforcement Security Task Force (BEST). (Case Number 10-0797/2010FOIA5149).
- On June 23, 2010, **Don Sevens**, editorial writer with the **San Diego Union-Tribune** in San Diego, California, requested from U.S. Immigration and Customs Enforcement (ICE) records concerning the ICE district that encompasses San Diego and Imperial Counties and its pilot program of cooperation with the Escondido Police Department that began in May, 2010. (Case Number 2010FOIA5152).
- On June 24, 2010, **John Cook**, Senior National Report and blogger with **Yahoo! News** in Brooklyn, New York, requested from the United States Secret Service (USSS) all records concerning any allegations of sexual assault or unwanted sexual contact made to the USSS against former Vice President Al Gore in late 2006 or 2007 to include: 1) Records concerning an alleged sexual assault or unwanted sexual contact perpetrated by former Vice President Gore against a massage therapist in Portland, Oregon on or about October 24, 2006. (Case Number 06-24-10 USSS).
- On June 24, 2010, **Rachel Gozhansky**, a clerk with the **Electronic Privacy Information Center (EPIC)** in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records: 1) A report concerning biometrics produced in response to Homeland Security Presidential Directive 24 ("HSPD-24"); and 2) Agency records concerning facial recognition technology. (Case Number 10-0795).
- On June 24, 2010, **Cynthia Grady**, a clerk with the **Electronic Privacy Information Center (EPIC)** in Washington, D.C., requested from the Transportation Security Administration (TSA) reports, memoranda, or other records relating to the results of the operational environment testing for Full Body Scanning (FBS). (Case Number TSA10-0610).



- On June 24, 2010, the United States Department of Agriculture referred to the Department of Homeland Security (DHS) documents responsive to a request from **Tony Corbo**, a representative of **Food and Water Watch**, in Washington, D.C., records pertaining to the applications made by the People's Republic of China for equivalence determinations for all products covered under the Federal Meat Inspection Act, The Poultry Products Inspection Act, and The Egg Products Inspection Act, and the decisions rendered by the Food Safety and Inspection Service (FSIS) since January 1, 2000. (Case Number 10-0798).

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#### Late Entries

- On June 11, 2010, **Felicia Kit**, an Associate Producer with **KGTV ABC 10 News** in San Diego, California, requested from U.S. Customs and Border Protection (CBP) the following records: 1) The number of citizens tasered in San Diego County by CBP during the past two years; 2) How many of those civilians died; 3) The number of civilians shot in San Diego County by CBP during the past two years; 4) How many of those civilians died; and 5) Copy of the policy for the use of tasers and handguns by CBPOs (as a use of force). (CBP FOIA # 2010F13651).
- On June 15, 2010, **Gautam Hans**, a clerk with the **Electronic Privacy Information Center (EPIC)** in Washington, D.C., requested from the Transportation Security Administration (TSA) records concerning the automated target recognition (ATR) requirements that the TSA provided to manufacturers of full body scanners (FBS) for future deployment in American airports. (Case Number TSA10-0609).
- On June 17, 2010, **Steven Emerson**, President of **SAE Productions** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to Faisal Shahzad. (Case Number 2010FOIA4996).
- On June 17, 2010, **Todd Lighty**, an investigative reporter with the **Chicago Tribune** in Washington, D.C., requested from the United States Coast Guard (USCG) all records relating to a rescue of a teenage boy from the waters of Lake Michigan. (Case Number 2010FOIA2564).
- On June 17, 2010, **Helen Jung**, a reporter with **The Oregonian** in Portland, Oregon, requested from the United States Coast Guard (USCG) copies of report documents that relate to the rescue of six people from a boat in the Columbia River on May 29, 2009. (Case Number 2010FOIA2565).
- On June 17, 2010, **Brad Pollock**, a representative of the **Democratic Congressional Campaign Committee**, in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records in the Worksite Enforcement Activity Record and Index (LYNX) referring to Sandwich Valley, Inc. or Freedom Group, Inc. (Case Number 2010FOIA4997).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On June 21, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with the *Houston Chronicle* in Houston, Texas, 1,768 pages of reports prepared by the ICE Office of Professional Responsibility's Detention Facilities Inspection Group between January 1, 2008 and the present. Portions of this response were withheld pursuant to FOIA Exemption (b)(2)High, (b)(5), (b)(6) and (b)(7)(C). (Case Number 2010FOIA3013).
- On June 22, 2010, the Office of Inspector General (OIG) released to **Renee Fletz**, a Freelance Reporter with *AlterNet* in San Francisco, California, 12 pages of documents pertaining to a complaint submitted by a third party. Portions of this response were withheld pursuant to FOIA Exemption (b)(6), and (b)(7)(C). (OIG FOIA #2010-127).
- On June 23, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Justin Blum**, a reporter with *Bloomberg News* in Washington, D.C., 76 pages of records associated with criminal case number (b) (6) involving (b) (6). Portions of this response were withheld pursuant to FOIA Exemption (b)(2)High, (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2010FOIA4664).

### V. Lawsuits

- In the matter of *National Lawyers Guild San Francisco Chapter, American Civil Liberties Union Foundation of Southern California, and National Immigration Law Center v. DHS et al.*, (USDC ND California CV-08-5137), Plaintiff filed a complaint November 12, 2008, claiming constructive denial pertaining to their request for records relating to Stipulated Removal. A draft of the Declaration was submitted to the Assistant U.S. Attorney on June 24, 2010.

## **FOIA Exemptions**

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

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

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

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of June 25 – July 1, 2010

Privacy Office

July 6, 2010

### Weekly FOIA Report

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

- On June 28, 2010, U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Reading Room a PDF file listing the number of Haitians in ICE custody as of June 24, 2010.

#### II. FOIA Requests

- On June 29, 2010, **Peter Elkind**, an Editor at Large with *Fortune Magazine* in Fort Worth, Texas, requested from the United States Coast Guard (USCG) the following records: 1) All individual licensing files for crew members on the Deepwater Horizon drilling rig and the Damon Bankston supply ship; and 2) All statutory notice survey reports, specified incident reports, and all exhibits prepared for the CG-MMS hearings regarding the Deepwater Horizon accident. (Case Number 2010FOIA2674).
- On June 24, 2010, **Michael Ferrar**, the Phoenix public safety reporter with *Arizona Republic* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) a breakdown of the total material witness forms issued to undocumented aliens in Arizona criminal cases from 2007 to the present. (Case Number 2010FOIA5192).
- On June 25, 2010, **Steve Gregory**, a journalist with *Clear Channel Radio* in Burbank, California, requested from U.S. Immigration and Customs Enforcement (ICE) copies of reports and statistics of non-criminal Other-Than-Mexicans (OTMs) held in detention centers in California for illegally entering the U.S. via California for the 2008 - 2010 fiscal years. (Case Number 2010FOIA6217).
- On June 25, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from the Department of Homeland Security (DHS), the United States Coast Guard (USCG), and the Federal Emergency Management Agency (FEMA) copies of all FOIA tracking logs from April 1, 2010 to present day. (Case Number 10-0801/2010FOIA2639/ 10-557 Request).
- On June 25, 2010, **Thomas Vacar**, Consumer Editor and Investigative Reporter with *KTVU Channel Two News* in Oakland, California, requested from the United States Coast Guard (USCG) copies of the oil spill contingency plans filed by Chevron and put into effect on June 15, 2010. (Case Number 2010FOIA2653).
- On June 25, 2010, **Courtney Yagar**, a journalist with the *CNN News* in Atlanta, Georgia, requested from the United States Coast Guard (USCG)

records on the vessel HERCULES starting from April 25, 2010 through June 25, 2010. (Case Number 2010FOIA2654).

- On June 28, 2010, **Susan Carroll**, a reporter with the *Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) any correspondence regarding the Corrections Corporation of America (CCA) and/or Hutto from March 1, 2010 to the present. (Case Number 2010FOIA5222).
- On June 25, 2010, **J.J. Hensley**, a reporter with *The Arizona Republic* in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) statistics regarding the number of undocumented border crossers coming across the Arizona - Mexico border. (CBP FOIA # 2010F14163).
- On June 28, 2010, **Tegan Millspaw**, a representative of **Judicial Watch** in Washington, D.C., requested from the United States Secret Service (USSS) copies of all official visitors logs and/or other records concerning visits made to the White House for the month of May 2010. (Case Number USSS 6-28-10 request).
- On Jun 28, 2010, **Emily Willard**, a research assistant at the *National Security Archive* in Washington, D.C., requested from the Department of Homeland Security (DHS) a copy of the report entitled "Intelligence Report: United States Southbound Weapons Smuggling Assessment" ICE-00187-09, November 4, 2008, including the raw data and source information used in the creation of this report.
- On June 29, 2010, **Kacey Montoya**, a reporter with *The KOIN Local 6 News* in Portland, Oregon, requested from the United States Coast Guard (USCG) records regarding the rescue of six (6) Oregon Air National Guardsmen on May 29, 2009. (Case Number 2010FOIA2681).
- On June 29, 2010, **Becky Mowbray**, a reporter with *The Times-Picayune Newspaper* in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) all communications, reports or assessment plans regarding the condition of the Taylor Energy production well that is located in the Gulf of Mexico. (Case Number 2010FOIA2673).
- On June 29, 2010, **Christopher Soghoian**, an individual in Washington, D.C., requested from the United States Secret Service (USSS) copies of all records that include data on, or summaries of, the search warrants, subpoenas, court orders, emergency requests or other legal process used by the USSS to obtain customer records, geographic location information, communications and other private information from telecommunications providers, internet application and service providers, financial institutions, transportation companies and other firms. (Case Number USSS USSS 6-29-10 request)
- On June 29, 2010, **Christopher Soghoian**, an individual in Washington, D.C., requested from the United States Secret Service (USSS) copies of any memos, legal opinions, electronic mail messages, "boilerplate" requests, or other documents created between January 1, 2007 and June 28, 2010, that reveal the legal process used by the Secret Service to obtain geographic location information on suspects and other individuals. (Case Number USSS 6-29-10 (2) request).



- On June 30, 2010, **Keith Metz**, a representative of **Judicial Watch, Inc.** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) The location or whereabouts of drug smugglers, cartels, and human traffickers in the Yuma and Tucson sectors of Arizona; and 2) Records concerning all actions taken by the federal government to prevent the increase in drug smugglers, cartels and human traffickers in the Yuma and Tucson sectors of Arizona. (Case Number 2010FOIA5240).
- On July 1, 2010, **Isabel Vincent**, a reporter with the *New York Post*, in New York, New York, requested from the Department of Homeland Security (DHS) correspondence between Congressman Gregory Meeks (D-NY-6) and DHS from 2003 thru January 2010.
- On July 2, 2010, **Russel Carollo**, a freelance journalist in Pueblo, Colorado, requested from the Department of Homeland Security (DHS) copies of all records related in any way to travel by the Secretary and Deputy Secretary since January 1, 2009.

#### Late Entries

- On June 14, 2010, **Maggie Ybarra**, a reporter with the *El Paso Times* in El Paso, Texas, requested from U.S. Customs and Border Protection (CBP) records relating to the death of Sergio Hernandez Guereca, including the following records: 1) Criminal records and arrest history; 2) Audio or video of the death; and 3) Internal correspondence involving the shooting incident. (CBP FOIA # 2010F14080).
- On June 14, 2010, **Maggie Ybarra**, a reporter with the *El Paso Times* in El Paso, Texas, requested from U.S. Customs and Border Protection (CBP) the following records: 1) Names of Border Patrol Agents involved in the shooting incident involving Sergio Hernandez Guereca that occurred on June 7, 2010; 2) If they had been investigated or arrested in the past ten years; and 3) A list of individuals that may have been investigated or arrested in the past ten years that were associated with Sergio Hernandez Guereca. (CBP FOIA # 2010F14081).
- On June 15, 2010, **Dolia Esteves**, a Washington Correspondent with *MVS Radio Noticias* in Reston, Virginia, requested from U.S. Customs and Border Protection (CBP) information pertaining to the incident involving the death of Sergio Hernandez Guereca in the El Paso Sector that occurred on June 7, 2010. (CBP FOIA # 2010F14079).
- On June 24, 2010, **Abby Rogers**, a reporter with the *Columbia Missourian* in Columbia, Missouri, requested from the Federal Emergency Management Agency (FEMA) an audit on the Boone County Fire Protection District in 2009. (FEMA 10-550).

### III. FOIA Appeals

- NSTR



#### IV. FOIA Releases

- On June 29, 2010, the Office of Inspector General (OIG) released to **Scott MacFarlane**, a reporter with **Cox Television** in Washington, D.C., 172 pages of reports of investigation pertaining to the Federal Protective Service. Portions of this response were withheld pursuant to FOIA Exemption (b)(5), (b)(6), and (b)(7)(C). (OIG FOIA #2010-126).
- On June 30, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Alison Parker**, director of the US Program at **Human Rights Watch** in San Francisco, California, a Microsoft Access file that lists detainees that were transferred between detention facilities from October 1, 1998 and the present. Portions of this response were withheld pursuant to FOIA Exemption (b)(6) and (b)(7)(C). (Case Number 2010FOIA2554).
- On June 30, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Carly Crawford**, a journalist with **News Limited Australia** in New York, New York, a Microsoft Excel spreadsheet listing the number of people deported from the United States to Australia between fiscal year 2001 and 2010. This document was released in its entirety. (Case Number 2010FOIA3983).
- On June 29, 2010, the Department of Homeland Security (DHS) issued to **Eileen Sullivan**, a reporter with the **Associated Press**, in Washington, D.C., a no records determination in response to her request for copies of written directives or guidance, formal or informal, that were delivered to the Secretary, her chief of staff, the Deputy Secretary, speech writers, public affairs staff by consultants, White House Officials, transition team and advisors about the word "terror" or any variation of it since January 2009. (Case Number 10-0115).
- On June 30, 2010, **Ken Vogel**, a reporter with **Politico** in Washington, D.C., withdrew his request from the Department of Homeland Security (DHS) seeking all correspondence to and from the White House to DHS political appointees who were appointed during the Obama administration's Executive order 13490. (Case Number 09-873).
- On July 2, 2010, the Department of Homeland Security (DHS) notified **Ken Dilanian**, a National Security Correspondent with **Los Angeles Times/Chicago Tribune Washington Bureau** in the Washington, D.C., that his request seeking an electronic copy of the database of records listing the names, phone numbers, and email addresses of each DHS employee was being denied in full. These records were withheld in full pursuant to FOIA Exemption (b)(2)High and (b)(6). (Case Number 10-682).

#### V. Lawsuits

- NSTR

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of July 2 - 8, 2010**  
**Privacy Office**  
**July 12, 2010**  
**Weekly FOIA Report**

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

- NSTR

**II. FOIA Requests**

- On July 7, 2010, **Lucy Dalglish**, Executive Director and Publisher with **Reporters Committee for Freedom of the Press** in Arlington, Virginia, requested from the United States Coast Guard (USCG) records pertaining to the media's ability to access areas impacted by the BP Deepwater Horizon/Mississippi Canyon well 252 oil leak. (Case Number 2010FOIA2749).
- On July 7, 2010, **Carl Messineo**, an attorney with the Law Offices of Partnership for Civil Justice Fund in Washington, D.C., requested from the United States Coast Guard (USCG) the following records: 1) Copies of all complaints or requests that formed the basis for the "new exclusion zones"; and 2) Any communication from BP regarding the restrictions made upon media access. (Case Number 2010FOIA2752).
- On July 7, 2010, **Mike Soraghan**, a journalist with **Green Wire/Environment & Energy Daily** in Washington, D.C., requested from the United States Coast Guard (USCG) all "Jones Act" waiver requests for foreign vessels to operate in the Gulf of Mexico since April 20, 2010. (Case Number 2010FOIA2751).
- On July 8, 2010, **John Althen**, representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from the Department of Homeland Security (DHS) the following: 1) All records of Secretary of Homeland Security Janet Napolitano relating to the June 16, 2010 White House meeting between President Obama, BP executives, Chairman Carl-Henrie Svanberg, Chief Executive Tony Hayward, and other administration officials; and 2) All records of Tracy Wareing, counselor to Secretary Napolitano and coordinator for claims oversight pertaining to the June 16, 2010 White House meeting between President Obama, BP executives, Chairman Carl-Henrie Svanberg, Chief Executive Tony Hayward, and other administration officials. (Case Number DHS/OS/PRIV 10-0835 Althen Initial Request).
- On July 2, 2010, **John Althen**, representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from the Department of Homeland Security (DHS) the following: 1) Any and all records of communications between DHS and the White House, the Executive Office of the President, and/or any third parties concerning "deferred action" or "parole" to suspend removal proceedings against a particular individual or group of individuals for a specific time frame, as well as records of communications concerning



"selective reprieve" to the segment of the population holding expired visas. (Case Number DHS/OS/PRIV 10-0834 Althen Initial Request).

- On July 2, 2010, **Todd Shepherd**, a reporter for *The Independence Institute* in Lakewood, Colorado, requested from U.S. Customs and Border Protection (CBP) copies of all annual reports of Foreign Gifts received during the calendar year for 2009. (CBP FOIA #2010F14436).
- On July 2, 2010, **Ian Urbina**, a journalist with *The New York Times* in Washington, D.C., requested from the Department of Homeland Security (DHS) FOIA logs where DHS tracks all incoming and outgoing FOIA requests that indicates the material requested, from where it was requested, and the individual or organization who requested it. (Case Number DHS/OS/PRIV 10-0836 Urbina Initial Request)
- On July 6, 2010, **Keith Metz**, a representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following: 1) Any and all records of Assistant Secretary John Morton relating to meetings that took place on June 28, 2010 with any of the following individuals: Arizona Governor Jan Brewer (R-AZ); Arizona State Attorney General Terry Goddard; Arizona Representative Gabrielle Giffords; and U.S. Attorney Dennis K. Burke; and (2) Any and all records of Assistant Secretary John Morton relating to meetings that took place on June 28, 2010 with any of the following federal law enforcement agencies: Drug Enforcement Administration (DEA); Bureau of Alcohol, Tobacco, & Firearms (ATF); Federal Bureau of Investigation (FBI); U.S. Customs and Border Protection (CBP); Department of the Interior (DOI); Internal Revenue Service (IRS); and the Forest Service (Case Number 2010FOIA5362).
- On July 7, 2010, **Bettina Boxall**, a staff writer with *The Los Angeles Times* in Los Angeles, California, requested from the United States Coast Guard (USCG) records regarding the 1979 Ixtoc oil spill that occurred in the Gulf of Mexico. (Case Number 2010FOIA2750).
- On July 8, 2010, **Russell Carollo**, a free-lance journalist in Pueblo, Colorado, requested from the Department of Homeland Security (DHS) the following records: 1) All correspondence related in any way to services (paid or unpaid), counsel or advice provided by Google, its representatives, surrogates or subcontractors and/or discussions about the possibility to provide the same; 2) All FOIA requests related in any way to matters above; and 3) All records of gifts, including (but not limited to) travel, provided by Google or its representatives, surrogates or subcontractors. (Case Number DHS/OS/PRIV 10-0832 Carollo Initial Request)
- On July 8, 2010, **Katherine Gallagher**, a staff attorney with the **Center for Constitutional Rights** in New York, New York, requested from the Department of Homeland Security (DHS) records pertaining to the May 31, 2010, Israeli military operation that occurred in international waters in the Mediterranean Sea involving a six-boat flotilla headed to Gaza with

humanitarian supplies. (DHS/OS/PRIV 10-0824 Gallagher Initial Request).

#### Late Entries

- On July 1, 2010, **John Althen**, representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) records regarding the cancellation of a proposed May 2010 conference to be held in Prescott, Arizona. (CBP FOIA #2010F14434).

### **III. FOIA Appeals**

- On July 2, 2010, **Sarah Weber**, a staff writer with the ***Sandusky Register*** in Sandusky, Ohio, appealed the response from U.S. Customs and Border Protection (CBP) to its request for records relating to the housing of agents in the Sandusky, Ohio area, the number of agents at Sandusky station, their names, titles, and their salaries.
- On July 7, 2010, **Joel Millman**, a journalist with the ***Colorado Springs Gazette*** in Colorado Springs, Colorado, appealed the response from U.S. Customs and Border Protection (CBP) to its request for records regarding participation of CBP aircraft and agents on April 27, 2010 in assisting Colorado Springs police.

### **IV. FOIA Releases**

- On July 6, 2010, United States Citizenship and Immigration Services (USCIS) issued to **Paul Risenhoover**, a doctor in Tainan City, American Formosa, a no records determination in response to his request for documents pertaining to the issuance of passports and VISAs to Formosans by the Republic of China (NRC2009070458).

### **V. Lawsuits**

- NSTR

## **FOIA Exemptions**

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

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of July 9 - 15, 2010

Privacy Office

July 19, 2010

### Weekly FOIA Report

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

- NSTR

#### II. FOIA Requests

- On July 2, 2010, **Anna Hrybyk**, a Program Manager with the **Louisiana Bucket Brigade** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) the following records: 1) Air monitoring results for offshore clean up vessels; and 2) Worker health incident reports. (Case Number 2010FOIA2760).
- On July 9, 2010, **Jeff Bliss**, a reporter with **Bloomberg News** in Washington, D.C., requested from the United States Coast Guard (USCG) records pertaining to interviews the USCG conducted with the rescued oil workers after the Deepwater Horizon incident on or between April 21, 2010 through April 22, 2010. (Case Number 2010FOIA2779).
- On July 12, 2010, **Bob Carey**, a journalist with the **National Press Photographers Association** in Durham, North Carolina, requested from the United States Coast Guard (USCG) all government produced photographs and audio-video material related to the BP Deepwater Horizon Oil Spill. (Case Number 2010FOIA2803).
- On July 14, 2010, **Candice Alexander**, an individual in Louisiana, requested from the United States Coast Guard (USCG) all documents pertaining to the use of Corexit in the Gulf of Mexico. (Case Number 2010FOIA2824).
- On July 14, 2010, **Lucy Dalglish**, Executive Director of the **Reporters Committee** in Arlington, Virginia, requested from the United States Coast Guard (USCG) all documents reflecting the new procedures for media access to boom safety zones established by Admiral Thad Allen's statement on July 12, 2010. (Case Number 2010FOIA2827).
- On July 15, 2010, **Lee Larkin**, an attorney with the **Law Offices of Dobrowski** in Houston, Texas, requested from the United States Coast Guard (USCG) an official copy of any notices, orders or findings issued by the USCG regarding the designation of responsible parties under the Oil Pollution Act of 1990 with respect to the Deepwater Horizon/BP oil spill in Mississippi Canyon. (Case Number 2010FOIA2830).
- On July 9, 2010, **Rob Royal**, a journalist with **WPVI TV/Action News** in Philadelphia, Pennsylvania, requested from the United States Coast Guard (USCG) copies of all audio recordings, transcripts and other records relating to the "Ride the Duck" boating accident in the Delaware River on July 7, 2010. (Case Number 2010FOIA2778).

- On July 14, 2010, **Gabriel Escobar**, Metropolitan Editor with *The Philadelphia Inquirer* in Philadelphia, Pennsylvania, requested from the United States Coast Guard (USCG) copies of all application documents made in 2002/2003 from the owners of Ride the Duck Inc., relating to the " Ride the Duck" boating accident in the Delaware River on July 7, 2010. (Case Number 2010FOIA2825).
- On July 9, 2010, **Kristina Davis**, a staff writer with the *San Diego Union-Tribune* in San Diego, California, requested from U.S. Customs and Border Protection (CBP) copies of the CBP policies and procedures regarding the use of Tasers. (Case Number CBP FOIA #2010F14754).
- On July 9, 2010, **Alex Powers**, a staff writer with *The Umpqua Post* in Reedsport, Oregon, requested from the United States Coast Guard (USCG) a copy of a letter from former Commander James Moriarty to the Douglas County Commissioners Board regarding privatization of the Umpqua River Lighthouse in April 2010. (Case Number 2010FOIA2781).
- On July 10, 2010, **Andrew Dunn**, a journalist with *Star News* in Wilmington, North Carolina, requested from the United States Coast Guard (USCG) copies of all documents generated by the investigation of a scuba diving fatality near the Carolina Beach on May 8, 2010. (Case Number 2010FOIA2780).
- On July 12, 2010, **Rachel Stockman**, a journalist with *KPNX-TV* in Phoenix, Arizona, requested from the Department of Homeland Security (DHS) copies of any DHS memos sent to departments regarding enforcement procedures for SB1070 if and when it becomes effective. (Case Number DHS/OS/PRIV 10-0851).
- On July 13, 2010, **Charles Roth**, Director of Litigation at the **National Immigrant Justice Center** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding each detainer (form I-247) issued by DHS to other law enforcement entities on or after January 1, 2007. (Case Number 2010FOIA5742).
- On July 13, 2010, **Justine Morgan**, a Legal Program Coordinator for the **American Civil Liberties Union (ACLU) San Diego and Imperial Counties** in San Diego, California, requested from U.S. Customs and Border Protection (CBP) copies of a travelers medical records and health related information or information that CBP has regarding that individual. (Case Number CBP FOIA #2010F14863).
- On July 13, 2010, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding individuals arrested, detained, charged, returned, or removed during the period of October 1, 2004 to the present date. (Case Number 2010FOIA5789).
- On July 14, 2010, **Edward Moreno**, an attorney with **Madro Bandaries, PLC**, in New Orleans, Louisiana, requested from the Department of Homeland Security (DHS) records related to Personal Property Debris



removal (PPDR) in the years following hurricanes Katrina and Rita that specifically mention 6969 General Haig, New Orleans, Louisiana 70124. (Case Number DHS/OS/PRIV 10-0861).

- On July 14, 2010, U.S. Customs and Border Protection (CBP) referred to Department of Homeland Security (DHS) documents responsive to a request from **Jason Ryan**, a journalist with *ABC News* in Washington, D.C., seeking records that reference or contain information about the “National Guard,” or “NG” in the Commissioner’s office and the Deputy Commissioners office at CBP. (Case Number DHS/OS/PRIV 10-0855).
- On July 15, 2010, U.S. Customs and Border Protection (CBP) referred to Department of Homeland Security (DHS) documents responsive to a request from **Rob Davis**, journalist with *Voices of San Diego.Com* in San Diego, California, seeking records related to an on-going project in San Diego, California. (Case Number DHS/OS/PRIV 10-0858).
- On July 15, 2010, Federal Law Enforcement Training Center (FLETC) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Scott MacFarlane**, Washington Correspondent with *Cox Television* in Washington, D.C., seeking communication between FLETC and staffers/officials within the offices of Senator Jeff Bingaman (D-NM) and Representative Harry Teague (D-NM). (Case Number DHS/OS/PRIV 10-0864).

#### Late Entries

- On June 24, 2010, **Greg Koblentz**, Deputy Director, Biodefense Program and Assistant Professor of Government and Politics Department of Public and International Affairs at **George Mason University** in Fairfax, Virginia, requested from the Department of Homeland Security (DHS) the following records: 1) Department of Homeland Security, Homeland Security Threat Assessment: Evaluating Threats 2008 – 2013; 2) Department of Homeland Security, The Domestic Terrorism Threat – Lone Wolves, Small Cells, and Leaderless Resistance, July 5, 2005; and 3) Department of Homeland Security, Implementation Plan for the National Strategy to Counter Biological Threats. (Case Number DHS/OS/PRIV 10-854).
- On June 30, 2010, **Katherine Gallagher**, a staff attorney with the **Center for Constitutional Rights** in New York, New York, requested from the United States Coast Guard (USCG) records pertaining to the May 31, 2010, Israeli military operation that occurred in the Mediterranean Sea involving a six-boat flotilla headed to Gaza. (Case Number 2010FOIA2771).
- On July 6, 2010, **Theodore D. Karantsalis**, a journalist with *The Miami Herald* in Miami Springs, Florida, requested from the United States Secret Service (USSS) copies of records identifying any printer manufacturers that have fulfilled or agreed to fulfill document identification requests submitted by the USSS or any other agencies using machine identification code technology. (Case Number USSS Karantsalis).



- On July 6, 2010, **Daniel Nguyen**, a journalist with *ProPublica* in New York, New York, requested from the Transportation Security Administration (TSA) a copy of the list of websites belonging to the category of “controversial opinion” that are blocked from access by TSA computers. (Case Number TSA10-0640).
- On July 8, 2010, **Jacques Billeaud**, a reporter with *The Associated Press* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the amount of marijuana, cocaine, heroin, and methamphetamines seized by ICE offices that are geographically the closest to the U.S. - Mexico and U.S. - Canada borders during fiscal years 2007, 2008, and 2009. (Case Number 2010FOIA5527).
- On July 8, 2010, **Chris Collins**, a reporter with *The Fresno Bee* in Fresno, California, requested from U.S. Immigration and Customs Enforcement (ICE) all documents related to the final orders stemming from the Notices of Intent to Fine issued to employers in northern California in the last three years. (Case Number 2010FOIA5519).
- On July 8, 2010, **Mike Soraghan**, a reporter for *Greenwire/Environment Energy Daily* in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) copies of all “Jones Act” waiver requests to CBP or other agencies for foreign vessels to operate in the Gulf of Mexico since April 20, 2010. (Case Number CBP FOIA #2010F14730).
- On July 8, 2010, the National Park Service referred to the United States Secret Service (USSS) documents responsive to a request from **Kevin S. Vineys**, a journalist with *The Associated Press* in Washington, D.C., seeking the following records: 1) An electronic database or spreadsheet containing the list of entrants for the 2010 White House Easter Roll lottery; 2) An electronic database or spreadsheet containing a list of the winners of tickets to the same event; and 3) Any and all information pertaining to how the lottery was conducted and the winners selected. (Case Number USSS Vineys).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On July 1, 2010, the Department of Homeland Security (DHS) released to **Margaret Grafeld**, Director, Office of Information Programs and Services, **United States Department of State**, DHS withholding recommendations in response to a request by **Christopher Calabrese**, Counsel to the **American Civil Liberties Union Technology and Liberty Project** in New York, New York, in which he was seeking agency records pertaining to the creation of a system similar to US-VISIT in Japan. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), and (b)(7)(C). (Case Number 10-0730).

- On July 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting** in Berkeley, California, 234 pages of detention facility inspections carried out by the ICE Office of Detention and Removal Operations. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C). (Case Number 2010FOIA962).
- On July 9, 2010, United States Citizenship and Immigration Services (USCIS) issued to **E. J. Graff**, an associate director and senior researcher at the **Schuster Institute for Investigative Journalism** in Waltham, Massachusetts, a no records determination in response to his request for reports and communications regarding Sacred Social Service Association and the Nepali missing children's scandals of 2005 and 2007. (Case Number NRC2009032482).
- On July 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Jim Giles**, a reporter with the **New Scientist** in San Francisco, California, statistics of court orders authorizing intercepts of e-mail accounts, broken down by fiscal year, since 2000. (Case Number 2010FOIA3616).
- On July 09, 2010, United States Citizenship and Immigration Services (USCIS) issued to **E. J. Graff**, an associate director and senior researcher at the **Schuster Institute for Investigative Journalism** in Waltham, Massachusetts, a no records determination in response to his request for records related to Uttar Tamata's Children's Home, Florida International Boarding School, Faith International or the Nirmala Thapa adoption scandal. (Case Number NRC200932501).
- On July 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Sebastian Montes**, a staff writer with **The Gazette** in Gaithersburg, Maryland, 9 pages of records and statistics relating to the ICE Law Enforcement Support Center's queries between February 2009 and February 2010. (Case Number 2010FOIA2931).
- On July 12, 2010, United States Citizenship and Immigration Services (USCIS) released to **Robert Deasy**, a representative of **American Immigration Lawyers Association (AILA)** in Washington, D.C., 255 pages of documents describing the criteria and guidelines for issuance of Notices to Appear (NTA). Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), (b)(7)(C) and (b)(7)(E) of the FOIA. (Case Number NRC2009016387).
- On July 12, 2010, United States Citizenship and Immigration Services (USCIS) released to **Janice Nicely**, a representative of **LRP Publications** in Palm Beach Gardens, Florida, 775 pages of documents pertaining to Human Resources directives, orders, manuals, instructions, and handbooks and all labor agreements. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5) and (b)(6) of the FOIA. (Case Number NRC2008018292).



- On July 14, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting** in Berkeley, California, 2,538 pages of detention facility inspections carried out by ICE's Office of Professional Responsibility, Detention Facilities Inspection Group between October 2007 and the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C). (Case Number 2010FOIA905).
- On July 14, 2010, the Department of Homeland Security (DHS) released to **Michael Kunzleman**, a reporter with *The Associated Press* in New Orleans, Louisiana, 1,287 pages of material related to the Road Home homeowner grant program in Louisiana and Mississippi. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5) and (b)(6) of the FOIA. (Case Number DHS/OS/PRIV 07-873).
- On July 15, 2010, the Department of Homeland Security (DHS) notified **Katherine Gallagher**, a staff attorney with the **Center for Constitutional Rights** in New York, New York, that her request seeking records pertaining to the May 31, 2010, Israeli military operation that occurred in the Mediterranean Sea involving a six-boat flotilla headed to Gaza did not adequately describe the records being sought. (Case Number DHS/OS/PRIV 10-0284).

## V. Lawsuits

- In the matter of *Rubashkin v. U.S. Immigration and Customs Enforcement*, (USDC ND Iowa 09-cc-1034-LRR), The Court accepted our timetable of releasing documents over the course of four months on a "rolling" basis on April 14, 2010. Fifth and final supplemental release will be sent to Plaintiff on July 15, 2010. Deadline for dispositive motions is January 10, 2011.
- In the matter of *Emmanuel Lazaridis, et al. v. United States Department of Justice, et al.*, (USDC DC 09-1177-RMC), The Plaintiff filed suit against USDOJ/FBI to compel the disclosure of records. DHS/ICE is not named as a defendant. The FBI located documents that contained information that originated from ICE; accordingly, FBI referred those documents to ICE for review, processing, and disclosure. ICE received the referral on June 17, 2010, and disclosed portions of the records to the Plaintiff on July 2, 2010. On July 12, 2010, ICE submitted a declaration to the AUSA and FBI that documents ICE's receipt, processing, and disclosure of the records. FBI is filing a declaration in support of summary judgment; ICE's declaration will be filed as an exhibit to that declaration.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of July 16 - 22, 2010**

**Privacy Office**

**July 26, 2010**

**Weekly FOIA Report**

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

- On July 22, 2010, U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Electronic Reading Room Section 287(g) Memorandums of Understanding with three local law enforcement agencies: 1) Colorado State Patrol; 2) Riverside County Sheriff's Department; and 3) New Mexico Corrections Department.

**II. FOIA Requests**

- On July 16, 2010, **David Kerr**, an adjuster with **Halverson, Hirschfield and Associates, Inc.**, in Houston, Texas, requested from the United States Coast Guard (USCG) copies of any USCG report(s) related to the incident involving VIKING POSEIDON that occurred while aiding the BP Deepwater Horizon Project in the Gulf of Mexico on June 5, 2010. (Case Number 2010FOIA2838).
- On July 19, 2010, **Armando Guajardo**, a paralegal with the **Law Offices of Dobrowski** in Houston, Texas, requested from the United States Coast Guard (USCG) a copy of the Notices of Designation (NOD) letter issued to both Transocean Holdings, Inc. and BP Exploration & Production, Inc., on April 28, 2010. (Case Number 2010FOIA2886).
- On July 19, 2010, **Lucy Dalglish**, Executive Director of the **Reporters Committee** in Arlington, Virginia, requested from the United States Coast Guard (USCG) all documents generated relating to the new media access procedures in the boom safety area (related to the Deepwater Horizon incident) and all documents received and/ or generated regarding applications to receive such a media credential as well all documents generated in response to all such applications detailing denials or grants of those applications. (Case Number 2010FOIA2913).
- On July 16, 2010, **Ariella Cohen**, a staff writer with **The Lens** in New Orleans, Louisiana, requested from the Federal Emergency Management Agency (FEMA) the following records: 1) A list of all Hurricane Katrina/Rita damage claims filed for public facilities owned by the city of New Orleans and the status of each claim; and 2) All correspondence between the city of New Orleans and FEMA relative to these damage claims since May 3, 2010. (Case Number 10-602).
- On July 16, 2010, **Ian Urbina**, a reporter with **The New York Times** in Washington, D.C., requested from the United States Coast Guard (USCG) copies of all documents that have been provided in response to the following FOIA numbers: 2010-2503, 2010-2047, 2010-1991, 2010-2089,



2010-2088, 2010-2288, 2010-2106 and 2010-2038. (Case Number 2010FOIA2837).

- On July 19, 2010, **Matthew Ehling**, President of **Public Record Media, LLC** in Saint Paul, Minnesota, requested from the United States Coast Guard (USCG) all contracts that were signed with Talon Security on or between April 20, 2010 and June 24, 2010. (Case Number 2010FOIA2748).
- On July 19, 2010, **Melissa Klein**, a journalist with the *New York Post* requested from the Department of Homeland Security (DHS) correspondence between Congressman Gregory W. Meeks (D-NY6) and DHS. (Case Number DHS/OS/PRIV 10-0868).
- On July 19, 2010, **David Paredes**, investigative producer with **KPHO-TV5** in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) detainees [sic] requested by ICE for suspected illegal immigrants identified in Arizona municipal and county jails between fiscal year 2008 and the present. (Case Number 2010FOIA6047).
- On July 20, 2010, **John Althen**, a researcher with **Judicial Watch, Inc.** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) all communication between the Department of Homeland Security (DHS) and any of the following entities concerning “deferred action” or “parole” to suspend removal proceedings against a particular individual or group of individuals for a specific timeframe; as well as records of communications concerning “selective reprieve” to the segment of the population holding expired visas: (a) The White House; (b) The Executive Office of the President; and (c) any third parties; and 2) any and all DHS internal communications concerning changes to existing policies and practices regarding “deferred action or parole” and “selective reprieves.” (Case Number 2010FOIA6052).
- On July 20, 2010, **Ginger McCall**, staff counsel with the **Electronic Privacy Information Center** in Washington, D.C., requested from the Department of Homeland Security (DHS) records concerning radiation and health testing of Full Body Scanning (a/k/a Advanced Imaging Technology) devices. (Case Number DHS/OS/PRIV 10-0869).
- On July 20, 2010, **Sharon Theimer**, a writer with *The Associated Press* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of any correspondence between the Office of the Secretary of Homeland Security and the following: 1) Newt Gingrich; 2) Center for Health Transformation; 3) National Commission for Quality Long-Term Care; and 4) American Solutions for Winning the Future. (Case Number DHS/OS/PRIV 10-872).
- On July 22, 2010, **Cori Crider**, Legal Director of **Reprieve’s** Secret Prisons and Guantánamo team in London, United Kingdom, requested from the Department of Homeland Security (DHS) records pertaining to (b) (6) (Case Number DHS/OS/PRIV 10-0879)



- On July 22, 2010, **Steven Emerson**, President of *SAE Productions* in Washington, D.C., requested from the Department of Homeland Security (DHS) any records to/from/including Arif Alikhan, from April 24, 2009, to the present, that relate to (b) (6) (Case Number DHS/OS/PRIV 10-0880).
- On July 22, 2010, **Michael Ravnitzky**, an independent blogger in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of the 995 pages of emails already released to the Associated Press relating to the story published regarding DHS FOIA. (Case Number DHS/OS/PRIV 10-0883).

#### Late Entries

- On June 9, 2010, **Alex Block**, senior editor at the *Hollywood Block* in Encino, California, requested from United States Citizenship and Immigration Services (USCIS) records relating to the immigration history and status of the late Simon Mark Monjack, an English screenwriter and film director. (Case number: COW2010000162).
- On June 13, 2010, **Jon Hilketivth**, a transportation reporter with the *Chicago Tribune* in Chicago, Illinois, requested from the Transportation Security Administration (TSA) copies of communication from passengers that were received this year by TSA in connection with the Advanced Imaging Technology machines deployed at O'Hare International Airport and other U.S. airports. (Case Number TSA10-0647).
- On June 24, 2010, **Stephen Losey**, a journalist with the *Federal Times* in Springfield, Virginia, requested from United States Citizenship and Immigration Services (USCIS) the following historical statistical data from 1998-2003: 1) CBP hires; 2) CBP employees that were terminated or quit; 3) Incidents of improper uses of firearms, vehicles and complaints of civil rights abuses by CBP agents; and 4) CBP test scores for the following exams: Firearms training; Driving courses; Spanish qualification; Physical training; Nationality Law qualification; Immigration law qualification; Operations Qualification; Criminal law qualification; and statutory law qualification. (Case number: COW2010000093). USCIS has confirmed with CBP that CBP does not have these historical statistical data prior to the creation of CBP.
- On July 2, 2010, **Jacques Billeaud**, a reporter with the *Associated Press* in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following documents: 1) The number of recorded breaches to fences and barriers along the U.S.-Mexico border over the last three fiscal years; 2) The number of tunnels that were discovered along the U.S.-Mexico border over the last three years; 3) Reports or internal CBP documents that analyze or comment on the effectiveness of the National Guard troops at the U.S.-Mexico border from May 2006 through July 2008; 4) Reports or internal documents that show the number of "get-aways" at or near the border for the last three fiscal years; and 5) Reports or internal CBP documents in which government officials consider possible solutions in trying to confront the

huge amount of drugs and smugglers who manage to get past the border. (Case number 2010F15026).

- On July 15, 2010, **Lauren Gilger**, a News Fellow with **Arizona State University** in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) The number of human trafficking investigations carried out by ICE in the State of Arizona between January 1, 2001 and July 13, 2010; and 2) The number of arrests in human trafficking investigations carried out by ICE in the State of Arizona between January 1, 2001 and July 13, 2010. (Case Number 2010FOIA5942).
- On July 15, 2010, **Scott MacFarlane**, a reporter with **Cox TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) a list of all employees in North Carolina, Georgia, Pennsylvania, and Ohio, their salaries and the cities in which they work in 2009. (Case Number DHS/OS/PRIV 10-871/TSA10-0651).
- On July 15, 2010, **Tanya Spencer**, a reporter with **WRTV 6** in Indianapolis, Indiana, requested from the Transportation Security Administration (TSA) a copy of the security video taken at the Indianapolis International Airport about 6am on July 13, 2010. (Case Number TSA10-0649).
- On July 15, 2010, **Susan Long**, co director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) the average detainee population at detention facilities in fiscal year 2010. (Case Number 2010FOIA5962).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On July 16, 2010, the Department of Homeland Security (DHS) released to **Peter Eisler**, a reporter with **USA Today** in Washington, D.C., 14 pages of material related to correspondence regarding the emergence and recognition of the influenza virus A/H1N1 by three Centers for Disease Control and Prevention (CDC) officials. Portions of the documents were withheld pursuant to FOIA Exemptions (b)(2)high, (b)(5), and (b)(6). (Case Number DHS/OS/PRIV 10-0593).
- On July 19, 2010, Department of Homeland Security (DHS) released to **Eileen Sullivan**, a reporter with **The Associated Press** in Washington, D.C., 146 pages of material related to Secretary Janet Napolitano's calendars and her senior staff. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5) and (b)(6). (Case number DHS/OS/PRIV 09-286).
- On July 19, 2010, the Department of Homeland Security (DHS) released to **Zach Edwards**, an individual in Houston, Texas, 127 pages of



correspondence related material between Governor Rick Perry (R-TX), his office, and DHS. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 10-0634).

- On July 19, 2010, the Department of Homeland Security (DHS) released to **Tegan Millspaw** of **Judicial Watch, Inc.**, in Washington, D.C., 296 pages of records concerning Secretary Janet Napolitano's January 28, 2010, meeting with leaders from Muslim, Sikh, South Asian and Arab communities. Portions of the records were withheld pursuant to FOIA Exemptions (b)(2)high, (b)(3), (b)(5), and (b)(6). (Case Number DHS/OS/PRIV 10-0448).
- On July 19, 2010, the Department of Homeland Security (DHS) released to **Isabel Vincent**, a reporter with **The New York Post** in New York, New York, 10 pages of material related to correspondence between Congressman Gregory W. Meeks (D-NY6) and DHS from the Department's inception in 2002 to January 2010. Portions of the documents were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 10-0805).
- On July 21, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., 50 pages of internal and congressional correspondence relating to Governor Mitch Daniels, Jr. (R-IN), Governor Piyush Jindal (R-LA), Sarah Palin (R-AK), James Pawlenty (R-MN), Senator John Randolph Thune (R-SD), Michael Huckabee (R-AR), and Willard Mitt Romney (R-MA). Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)High, (b)(6), and (b)(7)(C). (Case Number 2010FOIA3158).
- On July 20, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Brad Heath**, a reporter with **USA Today** in Washington, D.C., a Microsoft Access file containing information on individuals detained in the past 10 years. These records were released in full. (Case Number 2010FOIA2688).
- On July 20, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Lauren Gilgar**, a graduate student at the **Walter Cronkite School of Journalism** in Phoenix, Arizona, a Microsoft Access file containing information on individuals detained in the past 10 years. These records were released in full. (Case Number 2010FOIA4874).
- On July 20, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **David Mercer**, a press writer with the **Associated Press** in Champaign, Illinois, a no records determination in response to his request for investigative records concerning Flex N' Gate Corp or its subsidiaries. (Case Number 2010FOIA3245).
- On July 20, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Sean Riordan**, a staff attorney with the **American Civil Liberties Union of San Diego & Imperial Counties** in San Diego, California, 89 pages of records concerning the repatriation of Mexican nationals in San Diego and Imperial Counties. Portions of this response



were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA2323).

- On July 20, 2010, the Department of Homeland Security (DHS) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington D.C., 854 pages of material related to the following: 1) Secretary Napolitano's appointment calendars, phone logs, and visitor logs covering the period from July 2009 through October 2009; 2) Chief of Staff Noah Kroloff's appointment calendars, phone logs, and visitor logs covering the period from March 2009 through October 2009; 3) Chief of Staff Jan Leshner's appointment calendars, phone logs, and visitor logs covering the period from March 2009 through October 2009; 4) ICE Chief of Staff Suzanne Barr's appointment calendars, phone logs, and visitor logs covering the period from January 21, 2009 through October 2009; and 5) CBP Chief of Staff Marco Lopez's appointment calendars, phone logs, and visitor logs covering the period from January 21, 2009 through October 2009. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), and (b)(6). (Case Number DHS/OS/PRIV 10-0031).
- On July 20, 2010, the Department of Homeland Security (DHS) released to **Michael Ravnitzky**, an independent blogger in Silver Spring, Maryland, 66 pages of the weekly departmental report for DHS produced between January 1, 2009 and May 1, 2009. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(5), and (b)(6). (Case Number DHS/OS/PRIV 09-0626).
- On July 20, 2010, the Department of Homeland Security (DHS) released to **Peter Wallsten**, a reporter with the *Wall Street Journal* in New York, New York, 92 pages of weekly reports submitted from the Office of the Secretary to the White House between the dates January 20, 2009 and May 28, 2009. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(5), and (b)(6). (Case Number DHS/OS/PRIV 10-0192).
- On July 20, 2010, the Department of Homeland Security (DHS) released to **Shane Witnov**, a representative of the **Electronic Frontier Foundation** in San Francisco, California, 38 pages of material related to the use of social-networking websites for investigative or data gathering purposes created since January 1, 2003. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(5), and (b)(6). (Case Number DHS/OS/PRIV 10-0027).
- On July 21, 2010, United States Citizenship and Immigration Services (USCIS) released to **Eugene Flynn**, an attorney with **American Immigration Lawyers Association (AILA)** in Washington, D.C., 1,713 pages of documents pertaining to Standard Operating Procedures. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2) and (b)(6). (Case number NRC2008062259).
- On July 22, 2010, the Department of Homeland Security (DHS) released to **Suzanne Gamboa**, a reporter with *The Associated Press* in

Washington, D.C., 89 pages of records pertaining to an immigration reform meeting held by Secretary Napolitano or the department. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5). (Case Number DHS/OS/PRIV 10-0181).

- On July 23, 2010, the Department of Homeland Security (DHS) released to **Nathan Cardozo**, a legal fellow with the **Electronic Frontier Foundation** in San Francisco, California, one 25-page document consisting of U.S. Customs and Border Protection (CBP) training material pertaining to searches of electronic devices. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)high and (b)(7)(E). (Case Number DHS/OS/PRIV 09-1024).
- On July 23, 2010, the Department of Homeland Security released to **Nina Bernstein**, a reporter with *The New York Times* in New York, New York, a one-page document listing contracts awarded for the production of biometric permanent resident cards, to include contract numbers, award dates, awarded amounts, and a summary of purpose for each. These records were released in full. (Case Number DHS/OS/PRIV 10-0719).
- On July 23, 2010, U.S. Customs and Border Protection (CBP) released to **Sean Cairncross**, General Counsel to the **National Republican Senatorial Committee** in Washington, D.C., 12 pages of documents pertaining to communication between U.S. House Representative Brad Ellsworth (D-IN) or his staff and DHS between January 3, 2007 and May 14, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(6), and (b)(7)(C). (Case Number 2010F14321).

## V. Lawsuits

- In the matter of *American Immigration Lawyers Association v. United States Department of Homeland Security*, (10-cv-01224-EGS), plaintiff AILA is claiming constructive denial with regard to their request concerning agency policies and procedures relating to nonimmigrant temporary workers.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of July 30 – August 5, 2010

### Privacy Office

August 09, 2010

### Weekly FOIA Report

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

- On July 30, 2010, U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Electronic Reading Room an updated version of an Excel spreadsheet listing detainees that have died while in ICE custody.

#### II. FOIA Requests

- On July 27, 2010, **Stuart Smith**, an attorney with the **Law Office of Smith & Stag** in New Orleans, Louisiana, requested from the Department of Homeland Security (DHS) and the United States Coast Guard (USCG) records relating to efforts to identify and minimize health hazards associated with the cleanup efforts of the Deepwater Horizon oil spill, to include the following: 1) An inventory of all samples taken in connection to the oil spill; 2) The results of all environmental "finger printing", air monitoring data and any human health hazard reports; 3) Any air and water dispersion modeling information and the results of those conditions; 4) Reports on the use of Nalco Corexit EC9500A; and 5) All toxicity studies that were conducted on dispersants on or after April 20, 2010. (Case Number DHS/OS/PRIV 10-0937/2010FOIA3033).
- On July 30, 2010, **Claudette Juska**, a Research Specialist with Greenpeace in Washington, D.C., requested from the United States Coast Guard (USCG) details on all communications regarding BP employees and contractors and their authority or ability to police public lands. (Case Number 2010FOIA3003).
- On July 30, 2010, **Claudette Juska**, a Research Specialist with Greenpeace in Washington, D.C., requested from the United States Coast Guard (USCG) records pertaining to any violations of the Port Operation Manual by LOOP LLC and any inspections performed on Louisiana Offshore Port facility. (Case Number 2010FOIA3004).
- On July 30, 2010, **Claudette Juska**, a Research Specialist with Greenpeace in Washington, D.C., requested from the United States Coast Guard (USCG) any communication between USCG and ExxonMobil concerning oil rigs in the Gulf of Mexico. (Case Number 2010FOIA3005).
- On July 30, 2010, **Claudette Juska**, a Research Specialist with Greenpeace in Washington, D.C., requested from the United States Coast Guard (USCG) records on the welfare of specified endangered species in the Gulf of Mexico. (Case Number 2010FOIA3006).
- On July 30, 2010, **Claudette Juska**, a Research Specialist with Greenpeace in Washington, D.C., requested from the United States Coast

Guard (USCG) any and all details on the turtles being killed in controlled oil burns in the Gulf of Mexico. (Case Number 2010FOIA3007).

- On July 30, 2010, **Claudette Juska**, a Research Specialist with Greenpeace in Washington, D.C., requested from the United States Coast Guard (USCG) flight records of the C-130 aircraft carrying chemical dispersants. (Case Number 2010FOIA3008).
- On July 30, 2010, **Claudette Juska**, a Research Specialist with Greenpeace in Washington, D.C., requested from the United States Coast Guard (USCG) directives, meetings, correspondence between BP, EPA, and USCG, and exemptions granted regarding the use of dispersants by BP. (Case Number 2010FOIA3009).
- On August 3, 2010, **Chris Kahn**, a reporter with *The Associated Press* in New York, New York, requested from the United States Coast Guard (USCG) copies of all expense reports for private contracts regarding the cleanup response that have been submitted by BP. (Case Number 2010FOIA3052).
- On July 30, 2010, the U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC) referred to U.S. Immigration and Customs Enforcement (ICE) documents responsive to a request from **David Armstrong**, Bureau Chief of the *National Security News Service* in Washington, D.C., seeking the following records: 1) All charts compiled by the Treasury regarding the associations and connections of the Saar Foundation, a defunct charity in Herndon, Virginia; 2) All print and electronic records, including but not limited to email, notes, correspondence, memos and records of conversations between members of Operation Greenquest and officials of the Treasury and Customs Bureau; and 3) All print and electronic records, including but not limited to email, notes, correspondence, memos and records of conversations between John Loftus of Florida and officials of the Treasury Department, Customs Bureau, or members of Operation Greenquest. (Case Number 2010FOIA6772).
- On August 2, 2010, **Stokely Baksh**, a representative of **Deportation Nation** in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) all records related to ICE's monitoring of the Secure Program for racial or ethnic profiling, as well as complaints filed as a result of such violations. (Case Number 2010FOIA6789).
- On August 2, 2010, **Stokely Baksh**, a representative of **Deportation Nation** in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) All records related to the fiscal impact of Secure Communities at the federal, state and local levels; 2) The cost, reimbursements, monetary agreements, monetary incentives and increased costs of detention and removal operations to ICE and EOIR as a result of Secure Communities; and 3) Any data with regards to facilities holding detainees, including yearly expenditures, per diem rates, annual population, average daily population, detainer population from 2008 to present. (Case Number 2010FOIA6790).



- On August 2, 2010, **Stokely Baksh**, a representative of **Deportation Nation** in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) all communication and correspondence between ICE and/or members of Congress, Department of Homeland Security, DHS Appropriations committee and the Executive Branch regarding the 287(g) and Secure Communities programs. (Case Number 2010FOIA6791).
- On August 2, 2010, **Stokely Baksh**, a representative of **Deportation Nation** in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) all correspondence regarding the Secured Communities program between ICE and these counties: Harris County, Texas; Houston, Texas; Willacy County, Texas; Maricopa County, Arizona; Pinal County, Arizona; Los Angeles, California; Frederick, Maryland; all jurisdictions in Virginia and Florida. (Case Number 2010FOIA6792).
- On August 2, 2010, **Stokely Baksh**, a representative of **Deportation Nation** in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) all contracts associated with technology used for the Secure Communities Program. (Case Number 2010FOIA6793).
- On August 2, 2010, **Edward Hasbrouck**, a consultant on travel related issues with the **Identity Project** in Oakland, California, requested from the Transportation Security Administration (TSA) copies of all records created by TSA in the course of processing his previous FOIA requests: 1) TSA08-0723; 2) TSA10-0052; 3) TSA10-0134; 4) TSA10-0179; 5) TSA10-0248; and 6) Records pertaining to his appeals in response to those requests. (Case Number TSA10-0676).
- On August 2, 2010, **Nathan Ryder**, a reporter with **WFIE-TV, Channel 14** in Evansville, Indiana, requested from the United States Coast Guard (USCG) a copy of the report related to an incident that occurred on the Ohio River near Mt. Vernon, Indiana on July 30, 2010. (Case Number 2010FOIA3034).
- On August 3, 2010, **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting** in Berkeley, California, requested the Office of Inspector General (OIG) re-open his previous FOIA request for all records pertaining to use of force and/or attempted use of force by any and all DHS employees for years 2003 to present. The previous FOIA request (OIG FOIA #2010-131) was administratively closed due to Mr. Becker's failure to agree to pay estimated fees within the 30 day time limit. (Case Number OIG FOIA #2010-154).
- On August 2, 2010, **Suzanne Gamboa**, a reporter with **The Associated Press** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) records regarding proposals for administrative alternatives to comprehensive immigration reform created between January 2007 through February 2009. (Case Number COW201000209)



- On August 3, 2010, **Frank Knaack**, Legal Advocacy Coordinator of the of the **American Civil Liberties Union** in Austin, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) all information, including but not limited to budget documents, relevant contracts in Texas, and documents related to ICE grant programs in Texas, related to expenditures for the following programs: 1) 287(g); 2) Criminal Alien Program; and 3) Secure Communities. (Case Number 2010FOIA6861).
- On August 3, 2010, **John Moore**, a reporter with **WWNY-TV** in Watertown, New York, requested from the United States Coast Guard (USCG) records relating to the USCG stopping (b) (6) for "Boating Under the Influence" near Alexandria Bay, New York on July 10, 2010 and July 24, 2004. (Case Number 2010FOIA3066).
- On August 3, 2010, **Judy Rabinovitz**, Deputy Director, **American Civil Liberties Union Foundation (ACLU) Immigrants' Rights Project** in New York, New York, requested from the Office of Inspector General (OIG) the following records: 1) All records detailing the specific actions U.S. Immigration and Customs Enforcement (ICE) took to comply with five recommendations issued by OIG in its 2007 report entitled, "ICE's Compliance with Detention Limits for Aliens with a Final Order of Removal from the United States"; and 2) All records detailing ICE's failure to implement any of the recommendations issued by DHS OIG in the report. (Case Number OIG FOIA #2010-153).
- On August 5, 2010, **John Althen**, a researcher with **Judicial Watch, Inc.**, in Washington, D.C., requested from the United States Secret Service (USSS) any and all records concerning the Federal Aviation Administration's declaration of a no-fly zone in the area of Rhineback, New York for the July 31, 2010 wedding of Chelsea Clinton and Mark Mezvinsky. (Case number USSS 08-05-2010).
- On August 5, 2010, **Edward Hasbrouck**, a consultant on travel related issues with the **Identity Project** in Oakland, California, requested from the Department of Homeland Security (DHS) a copy of the 995 email messages described in the article published by **Ted Bridis**, a reporter with **The Associated Press**. (Case Number DHS/OS/PRIV 10-0951).
- On August 5, 2010, **Kristen Rau**, a legal intern with **Center for Justice and Accountability** in San Francisco, California, requested from the Department of Homeland Security (DHS) any and all documents, records, communications, findings, training materials and memoranda from, relating to any form of training by the U.S. military, State Department, or other unit or department of the U.S. government for the Nepalese military, Royal Nepalese Army (RNA), Nepalese intelligence, or any other Nepalese security forces or officers from 2001 to 2004. (Case Number DHS/OS/PRIV 10-0935).
- On August 5, 2010, **Ian Urbina**, a reporter with **The New York Times** in New York, New York, requested from the Department of Homeland Security (DHS) FOIA logs where DHS tracks all incoming and outgoing FOIA requests that indicates the material requested, from where it was

requested, and the individual or organization who requested it, from June 1, 2010 to August 1, 2010. (Case Number DHS/OS/PRIV 10-0944).

- On August 6, 2010, U.S. Immigration and Customs Enforcement (ICE) referred to the Department of Homeland Security (DHS) responsive documents to a request from Sean Riordan, an attorney with the **American Civil Liberties Union of San Diego & Imperial Counties** in San Diego, California, seeking information pertaining to "The Local Arrangement for Repatriation of Mexican Nationals in San Diego & Imperial Counties. (Case Number DHS/OS/PRIV 10-0952).

#### Late Entries

- On July 26, 2010, **Mark Roth**, General Counsel with the **American Federation of Government Employees, AFL-CIO (AFGE)** in Washington, D.C., requested from the Transportation Security Administration (TSA) the following records: 1) The salary rates by airport locations for Transportation Security Officers (TSOs), Lead Transportation Security Officers (LTSOs), Master TSO -Behavior Detection Officers (BDOs), Expert TSOs-BDOs, Master TSOs-Security Training Instructors (STIs), Expert TSOs-STI, Supervisory Transportation Security Officers (STSOs), and Transportation Security Managers (TSMs) employed from the period of 2009 and 2010; 2) Criteria used to determine promotions, awards, and assignment of collateral duties for 2009 and 2010; and 3) Race, color, religion, sex, national origin, age, and disability status relating to PASS for 2009 and 2010. (Case Number TSA10-0673).
- On July 29, 2010, **Suzanne Gamboa**, a reporter with *The Associated Press* in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of records sent in response to ICE FOIA Case Numbers: 1) 2009FOIA1591; 2) 2009FOIA383; 3) 2010FOIA1842; 4) 2010FOIA1951; 5) 2010FOIA1951; 6) 2010FOIA2674; 7) 2010FOIA2929; 8) 2010FOIA3295; 9) 2010FOIA3364; and 10) 2010FOIA3365. (Case Number 2010FOIA6769).
- On July 29, 2010, **Ginger McCall**, a staff attorney with **Electronic Privacy Information Center (EPIC)** in Washington, D.C., requested from the Transportation Security Administration (TSA) all records concerning TSA tests regarding body scanners and emission or exposure. (Case Number TSA10-0674).

### **III. FOIA Appeals**

- NSTR

### **IV. FOIA Releases**

- On August 2, 2010, the Department of Homeland Security (DHS) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, D.C., five pages of records of communications between the U.S. Coast Guard (USCG) and the DHS Office of the General Counsel concerning the decision to declare the BP oil spill a "spill of national significance."



Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(5), and (b)(6).

- On August 2, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Josh Gerstein**, a reporter with **POLITICO** in Arlington, Virginia, records responsive to his request for copies of all records from and pertaining to the December 15, 2009, White House summit with entertainment executives on intellectual property rights including but not limited to minutes from the meeting, transcripts, audio or video recordings, invitations and guest lists, and any other relevant records and notes. ICE's response includes a report entitled "IPR Center Overview", an IPR decision paper and talking point memo entitled "Combating IPR Theft", and e-mail that originated from OPA regarding the White House summit. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On August 3, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Steve Gregory**, a correspondent with **Clear Channel** in Burbank, California, 1-page PDF file responsive to his request for copies of reports and statistics of non-criminal Other than Mexican (OTM's) held in detention centers in California held for illegally entering the U.S. via California during the 2008-2010 fiscal years. These records were released in full. (Case Number 2010FOIA5217).
- On August 3, 2010, the Department of Homeland Security (DHS) released to **Greg Koblentz**, Deputy Director of the Biodefense Program at George Mason University, a full denial in response to his request from the DHS Science and Technology Directorate for a copy of the Implementation Plan for National Strategy to Counter Biological Threats. These pages were withheld in full pursuant to FOIA Exemption (b)(5).
- On August 4, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **John Cook**, a reporter with **Gawker Media** in New York, New York, 419 pages of records responsive to his request for copies of all FOIA requests submitted to ICE by the **New York Times** and **The Associated Press**, as well as any communications between ICE and the **New York Times** and **The Associated Press** regarding those FOIA requests. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2343).
- On August 4, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Jazine Ulloa**, a reporter with **The Brownsville Herald** in Brownsville, Texas, 1-page PDF file with statistics responsive to her request for the following: 1) The number of Application for Stay of Deportation or Removal (I-246) forms filed in 2006, 2007, 2008, and 2009; 2) The number of I-246 forms filed by parents or attorneys who list a child's medical condition as the reason for the filing; and 3) The total number of I-246 forms granted an extension to stay in the U.S. or a favorable exercise of discretion in 2006, 2007, 2008, and 2009. These records were released in full. (Case Number 2010FOIA4004)



- On August 4, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Udi Ofer**, an attorney with the **New York Civil Liberties Union** in New York, New York, 165 pages responsive to his request for records relating to grievances filed by detainees housed in the Orange County Correctional Facility in Goshen, New York. These pages were withheld in full pursuant to FOIA Exemptions (b)(2), (b)(6), and (b)(7)(C). (Case Number 2010FOIA4498).
- On August 6, 2010, the Department of Homeland Security (DHS) Management Directorate released to **Michael Ravnitzky**, a blogger in Silver Spring, Maryland, a 66 page log of Congressional correspondence. These records were released in full.
- On August 5, 2010, the Department of Homeland Security (DHS) released to **Matt Apuzzo**, a reporter with **The Associated Press (AP)** in Washington, D.C., 31 pages of e-mail communications between DHS and the White House in response to a request for copies of the following: 1) All e-mails from August 25, 2009, through the present related to the AP, AP reporters and editors, the AP's coverage of the department's handling of stimulus money, or the way in which Land Ports of Entry projects were selected; and 2) All e-mails and other documents from August 25, 2009, through the present related to meetings between White House officials and officials at DHS or its component agencies to discuss the AP, AP reporters and editors, the AP's coverage of the department's handling of stimulus money, or the way in which Land Ports of Entry projects were selected. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(low), (b)(5), and (b)(6).
- On August 6, 2010, the Department of Homeland Security (DHS) released to **Michael Ravnitzky**, a blogger in Silver Spring, Maryland, a two-page submission to Congress from the Office of Legislative Affairs, which pertains to the Department's actions taken in response to recommendations of the Government Accountability Office (GAO) in its report, GAO-10-171, BIOSURVEILLANCE: Developing a Collaboration Strategy Is Essential to Fostering Interagency Data and Resource Sharing. These records were released in full.

## V. Lawsuits

- In the matter of *Seton Hall School of Law v. DHS, ICE and CIS*, (USDC New Jersey 08-521), Settlement agreement was signed by the Court on February 3, 2010. Supplemental release of 113 pages made May 4, 2010. *Vaughn Index* for the supplemental release sent to Plaintiffs on August 4, 2010.
- In the matter of *Urdaneta v. IRS and ICE*, (USDC DC 09-2405), Final release sent to Plaintiff on July 28, 2010. Received email from the AUSA on August 4, 2010 stating that Plaintiffs will not challenge our redactions. The only issue that needs to be litigated is the fees.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of August 6 - 12, 2010**  
**Privacy Office**  
**August 16, 2010**  
**Weekly FOIA Report**

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

- On August 6, 2010, the Department of Homeland Security (DHS) posted to its FOIA Statutes & Resources page six (6) FOIA memoranda issued by the Chief FOIA Officer, regarding creating accessible PDF documents, redacting documents securely, Attorney General Holder's FOIA guidance, treatment of FOIA requests for law enforcement records, those seeking DHS personnel information and OPEN Government Act guidance, as well as three (3) weekly report memoranda.
- On August 9, 2010, Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room 31 documents relating to the Secure Communities Program. These documents included PowerPoint presentations, field training documents, interoperability statistics, congressional reports, and budgeting plans.

**II. FOIA Requests**

- On July 30, 2010, **Noah Wexler**, a representative of **Arnold & Itkin LLP** in Houston, Texas, requested from the United States Coast Guard (USCG) copies of all documents regarding a Deepwater Horizon cleanup vessel incident that occurred aboard the JOE G JR on June 11, 2010. (Case Number 2010FOIA3080).
- On August 4, 2010, **Aaron Viles**, campaign director with the **Gulf Restoration Network** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) all records concerning every plane and helicopter that responded to the Deepwater Horizon oil spill on July 15, 2010 and every day thereafter. (Case Number 2010FOIA3144).
- On August 11, 2010, **Claudette Juska**, a research specialist with **Greenpeace** in Washington, D.C., requested from the United States Coast Guard (USCG) details of all meetings and correspondence between USCG and University of South Florida regarding underwater or subsurface oil plumes. (Case Number 2010FOIA3142).
- On August 9, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from the United States Coast Guard (USCG) all responsive materials provided for the following Deepwater Horizon FOIA requests: 2010FOIA2188, 2010FOIA2189, 2010FOIA2160, 2010FOIA2492, 2010FOIA2503, 2010FOIA2489, 2010FOIA2491, 2010FOIA2490, 2010FOIA2355, 2010FOIA2395, 2010FOIA2488, 2010FOIA2220, 2010FOIA2223 and 2010FOIA2238. (Case Number 2010FOIA3120).



- On August 8, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from the United States Coast Guard (USCG) copies of recusals based upon potential post-federal employment contacts, interviews and/or job offers from June 1, 2009 to the present day. (Case Number 2010FOIA3099).
- On August 10, 2010, **Scott Amey**, General Counsel with **Project on Government Oversight**, in Washington, D.C., requested from the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) copies of all ethics waivers and recusal agreements/records from January 1, 2009 to the present date. (Case Number DHS/OS/PRIV 10-0971/2010F15843).
- On August 12, 2010, **Michael Ravnitzky**, an independent blogger in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of each ethics waiver provided at DHS from January 1, 2005 to the present date. (Case Number DHS/OS/PRIV 10-09717).
- On August 6, 2010, **Jason R. Smathers**, a self described journalist in Topock, Arizona, requested from United States Citizenship and Immigration Services (USCIS) a list of all individuals that participated in the naturalization ceremony on July 13, 1976 in Ohio. (Case Number COW2010000211).
- On August 6, 2010, **Jason R. Smathers**, a self described journalist in Topock, Arizona, requested from United States Citizenship and Immigration Services (USCIS) copies of all FOIA training material made available to USCIS employees or contractors on the policies and practices of processing FOIA requests. (Case Number COW2010000212).
- On August 9, 2010, **Chris Hamby**, writer with the **Center of Public Integrity** in Washington, D.C., requested from the United States Coast Guard (USCG) all records from the Marine Information and Safety and Law Enforcement (MISLE) database, starting from January 1, 2000 to the present date. (Case Number 2010FOIA3110).
- On August 9, 2010, **Jennifer Rosenbaum**, a representative of the **New Orleans Workers' Center for Racial Justice** in New Orleans, Louisiana, requested from U.S. Immigration and Customs Enforcement (ICE) all records relating to any investigation into the detention practices and conditions at South Louisiana Correctional Center in Basile, Louisiana by the Department of Homeland Security. (Case Number 2010FOIA7264).
- On August 10, 2010, **Jennifer Rosenbaum**, a representative of the **New Orleans Workers' Center for Racial Justice** in New Orleans, Louisiana, requested from U.S. Immigration and Customs Enforcement (ICE) all records relating to the arrest, detention, and death of Jose Nelson Reyes-Zelaya. (Case Number 2010FOIA7325).
- On August 11, 2010, **Ryan Sibley**, Computer-Assisted Reporter with the **Sunlight Foundation** in Austin, Texas, requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) records of

trips taken by officials at DHS that were not federally funded, dating back to 1999. (Case Number 10-235)

- On August 11, 2010, **Isabel Vincent**, a reporter with *The New York Post* in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) all correspondence between Congressman Gregory Meeks (D-NY6) and USCIS. (Case Number COW2010000207).
- On August 12, 2010, U.S. Immigration and Customs Enforcement (ICE) referred to the Department of Homeland Security (DHS) a request from **Suzanne Gamboa**, a reporter with *The Associated Press* in Washington, D.C., seeking copies of records that were processed and released in response to ICE FOIA case 2010FOIA3365. (Case Number DHS/OS/PRIV 10-0982).

#### Late Entries

- On August 5, 2010, **Marcia Carroll**, a journalist with the *Multinational Monitor*, requested from the Transportation Security Administration (TSA) copies of all studies, e-mails, letters, and all other documents in the possession of the TSA concerning radiation spillover to TSA screeners from the backscatter full body scanning machines being deployed to passenger security checkpoints at US airports. (Case Number TSA10-0679).
- On August 5, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from the United States Coast Guard (USCG) copies of the FOIA tracking logs from June 1, 2010 to August 1, 2010. (Case Number 2010FOIA3089).
- On July 27, 2010, **Julie Hodek**, Assistant Counsel for the **National Treasury Employees Union (NTEU)** in Chicago, Illinois, requested from the Transportation Security Administration (TSA) a copy of any study on the radiation emissions from machines (sic) at eight airports and all source documents for the study, including all notes, interviews, or reports. (Case Number TSA10-0732).

### **III. FOIA Appeals**

- On July 26, 2010, **Ken Dilanian**, National Security Correspondent with *The Los Angeles Times* in Washington, D.C., appealed the response from the Department of Homeland Security (DHS) to his request seeking official contact information of all DHS employees, specifically the global address listing (GAL).
- On July 28, 2010, **Lena Masri**, a staff attorney with the **Council on American-Islamic Relations (CAIR) Michigan Chapter** in Southfield, Michigan, appealed the response from U.S. Customs and Border Protection (CBP) to their request for: 1) Video and audio surveillance footage of all searches of persons conducted at the Ambassador Bridge Passenger Facility on May 25, 2010 from 3pm to 7pm; and 2) The names of all employees that conducted searches at the aforementioned time and facility.



- On August 5, 2010, **Judy Alexander**, an attorney with the **Center for Investigative Reporting** in Berkley, California, appealed the response from U.S. Customs and Border Protection (CBP) to their request for seven categories of information relating to CBP employees arrested, charged, convicted and/or sentenced on corruption-related charges.

#### IV. FOIA Releases

- On August 4, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, co-director of **TRAC** in Syracuse, New York, 473 pages responsive to her request seeking a copy of the ENFORCE Alien Removal Module (EARM) manual. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6) and (b)(7)(C). (Case Number 2010FOIA2140).
- On August 5, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Steve Emerson**, President of **SAE Productions, Inc.** in Washington, D.C., 3,172 pages of records responsive to his request seeking records relating to (b)(6). Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(3), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E).
- On August 5, 2010, the United States Coast Guard (USCG) released to **Steve Vantreese**, a reporter with **The Paducah Sun** in Paducah, Kentucky, 40 pages responsive to his request seeking records regarding the drowning death of James Yates on February 16, 2010, at the Harrah's Metropolis Casino on the Ohio River. These records were released in full.
- On August 6, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Eric Balaban**, an attorney from the **American Civil Liberties Union** in Washington, D.C., 1,860 pages responsive to his request seeking copies of records pertaining to deaths of individuals in immigration detention. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On August 6, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, one Excel spreadsheet responsive to a list of companies targeted in FY08 and FY09 for I-9 audits, including company name, county, state, disposition of case, and any fine charged or assessed. Portions of this response were withheld pursuant to FOIA Exemptions (b)(7)(A) and (b)(7)(C).
- On August 6, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Melissa Keaney**, an attorney from the **National Immigration Law Center** in Los Angeles, California, 31 pages responsive to her request seeking copies of records and correspondence related to the ten new 287(g) memoranda of agreement, records related to jurisdictions that did not sign new agreements, and copies of the 287(g) standard operating procedures. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).



- On August 6, 2010, U.S. Customs and Border Protection (CBP) released to **Mike Soraghan**, a reporter with *Greenwire/Environment Energy Daily* in Washington, D.C., 109 pages responsive to his request seeking copies of all “Jones Act” waiver requests to CBP or other agencies for foreign vessels to operate in the Gulf of Mexico since April 20, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(6), and (b)(7)(C).
- On August 6, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Manuel Valdes**, a reporter with *The Associated Press* in Seattle, Washington, who requested a list of pending, prospective, and completed I-9 audits. Portions of this response were withheld pursuant to FOIA Exemptions (b)(7)(A) and (b)(7)(C).
- On August 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Isaac Wolf**, a reporter with *Scripps Howard News Service* in Washington, D.C., six (6) pages of responsive documents to his request seeking copies of records pertaining to all arrests made under the 287(g) program from 2006 to the present. These records were released in full.
- On August 10, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Suzanne Gamboa**, a reporter with *The Associated Press* in Washington, D.C., 811 pages of documents and four (4) Microsoft Excel files responsive to her request for copies of ICE responses provided to specific FOIA requests. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(4), (b)(5), (b)(6), and (b)(7)(C).
- On August 10, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Erin Rosa**, a freelance journalist in Denver, Colorado, 6,310 pages responsive to her request seeking copies of responses transmitted to the Center for Investigative Reporting with regard to Freedom of Information Act case number 10-0905. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(5), (b)(6), and (b)(7)(C).
- On August 10, 2010, the Department of Homeland Security (DHS) released to **Richard Tansey**, an individual in Orangeburg, South Carolina, a one (1) page memorandum from former Acting Under Secretary for Border and Transportation Security Randy Beardsworth to former Deputy Secretary Michael Jackson concerning the Department of State’s claim of lack of support to Embassy Baghdad, in response to his request for any and all correspondence, since September 11, 2004, between all federal state and local agencies etc, DHS DC, DHS Baghdad, DHS programs for protecting Iraqi borders and DHS Secretaries Thomas Ridge and/or Dr. Michael Chertoff, Duke Bodisch, and MNSTC-I, regarding Duke Bodisch’s activities in 2005 and 2007 in Baghdad. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(7)(E). (Case Number DHS/OS/PRIV 10-0629).
- On August 11, 2010, the United States Coast Guard (USCG) released to **Kacey Montoya**, a reporter with *The KOIN Local 6 News* in Portland, Oregon, 27 pages responsive to her request seeking records regarding the rescue of six (6) Oregon Air National Guardsmen on May 29, 2009. Portions

of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(c).

- On August 11, 2010, U.S. Customs and Border Protection (CBP) released to **Michael Ravnitzky**, an independent blogger in Silver Spring Maryland, 42 pages that were referred to CBP by DHS responsive to his request seeking a copy of each substantial report from DHS to Congress or a Congressional Committee between January 1, 2008 to the present, that was not published on the DHS website. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), and (b)(7)(E).
- On August 13, 2010, the Department of Homeland Security (DHS) Management Directorate released to **Winter Troxel** 1,059 pages of records consisting of employee names, pay grade, and agency. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On August 13, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Antonio Olivo**, a reporter with *The Chicago Times* in Chicago, Illinois, 28 pages of documents and one Microsoft Excel file responsive to his request seeking data that denote all criminal and administrative arrests by ICE in the Chicago region since January 1, 2005. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6), and (b)(7)(C).
- On August 13, 2010, United States Citizenship and Immigration Services (USCIS) released to Sandra Roa, a blogger with *The New York Times* and the *New York City News Service* in New York, New York, 733 pages of responsive records responsive to her request seeking copies of complaints filed against the Eloy Federal Contract Facility since 2003, to include complaints of medical care or of the guards and administration. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On August 13, 2010, United States Citizenship and Immigration Services (USCIS) released to **David Schechter**, a reporter with *WFAA News* in Dallas, Texas, 194 pages of documents responsive to his request seeking copies of written and electronic records received between January 1, 2008 and December 8, 2009 from any federal, state, or local law enforcement agency, group, or association raising concerns about the deportation or voluntary release of illegal aliens prior to adjudication. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C).

## V. Lawsuits

- In the matter of *American Immigration Lawyers Association v. United States Department of Homeland Security and United States Citizenship and Immigration Services*, (1:10-cv-01224-EGS), the Plaintiff's claim constructive denial of their request seeking records concerning agency policies and procedures relating to nonimmigrant temporary workers and the adjudication of petitions for their lawful employment in the United States.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of August 13 - 19, 2010

Privacy Office

August 23, 2010

### Weekly FOIA Report

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

- On August 12, 2010, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room a report with Nationwide IDENT/IAFIS Interoperability Statistics of the Secure Communities Program through the month of July 2010.
- On August 18, 2010, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room the following records: 1) FOIA Logs for the months of April, May, and June 2010; and 2) A report with Nationwide IDENT/IAFIS Interoperability Statistics of the Secure Communities Program broken down by conviction through the month of July 2010.

#### II. FOIA Requests

- On August 10, 2010, **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, D.C., requested from the United States Coast Guard (USCG) the following records: 1) Copies of all resource request messages for equipment and materials; and 2) Copies of all correspondence between the USCG, BP, and state and local officials about requests for responding to the oil spill and justifications as to why a request might have been denied from the USCG and/or BP. (Case Number 2010FOIA3204).
- On August 16, 2010, **Benny Rousselle**, an individual in Delle Chasse, Louisiana, requested from the United States Coast Guard (USCG) a list of all contracts that have been issued by any parties that USCG has access to regarding the response to the Deepwater Horizon Oil Spill, specifically seeking the following records: 1) Contracts pertaining to land leases, boat contracts, contractor contracts, and sub contracts; 2) Contracts pertaining to housing, feeding and equipment; and 3) Financial records relating to the following companies: Pointe Celeste Inter Vivo Trust, BNB Partners, L.L.C., Ocean Chef Catering, Pelican Marine Supply, and William (Billy) Nungesser. (Case Number 2010FOIA3183).
- On August 16, 2010, the United States Coast Guard (USCG) referred to the Department of Homeland Security (DHS) a request from **Michael Amish**, a Manager with **INDIGOGreen Building Solutions** in Gainesville, Florida, seeking the following records: 1) The type of helicopters and fixed-wing aircraft involved in the search and rescue (S&R) operation beginning April 20, 2010, until the S&R aerial operation was suspended; 2) The number of aircraft in the air at any one time during said S&R operation; 3) The fuel burn rate of each aircraft while in



operation during said S&R operation; 4) The type of aircraft dumping dispersant and the dates that they began expressing this dispersant; 5) The number of aircraft dumping this dispersant daily; 6) The fuel burn rate of each aircraft while in operation during said dispersant release operations; 7) The operations base from which these aircraft are taking off from and returning to (or average distance each flight makes); and 8) Any other aircraft involved in these operations either for support or observation etc. (Case Number DHS/OS/PRIV 10-0991).

- On August 13, 2010, **Mark Thiessen**, Alaska News Editor with *The Associated Press* in Anchorage, Alaska, requested from the United States Coast Guard (USCG) copies of all still photographs and videos shot by the USCG on August 9, 2010 through August 11, 2010, relating to the plane crash that killed Senator Theodore “Ted” F. Stevens (R-AK) in Dillingham, Alaska. (Case Number 2010FOIA3164).
- On August 13, 2010, **Hannah Johnson**, in St. Paul, Minnesota, requested from the Department of Homeland Security (DHS) the following records: 1) A copy of all memos, e-mails, letters, policy documents, or other documents which communicate a policy, process, or direction by which any component of the White House, the Executive Office of the President (including the staff of the President, public affairs, the White House Counsel’s Office, the Office of the Chief of Staff, the Office of Management and Budget, or any other office therein), or the political appointees of the agency/commission/department shall be notified or given an opportunity to review documents whenever the agency/department receives incoming FOIA requests deemed to be politically sensitive, newsworthy, noteworthy, salient, striking, or implicating equities (or White House equities); 2) A copy of all logs, e-mail, or other communication pertaining to the processing and handling of specific FOIA requests that have been relayed to political appointees within the agency/department or to officials and staff in the executive branch (see item #1, above) from the FOIA office of the agency/department/commission as evidence of the ongoing use of the aforementioned policy; and 3) A copy of all e-mails and other communications pertaining to the White House or the Office of Management and Budget reviews of FOIA requests, including discussion of delays or timelines or processing of requests on an ongoing basis. (Case Number DHS/OS/PRIV 10-0998).
- On August 13, 2010, **Patrick Schmidt**, an Associate Professor of Political Science with **Macalester College** in St. Paul, Minnesota, requested from the Department of Homeland Security (DHS) a copy of all memoranda, emails, letters, or other documents sent between December 19, 2005, and the date of this request by the Chief FOIA Officer of the department/agency/commission, in general distribution either to the FOIA officers/staff or to other staff who are responsible for implementing FOIA or who work with FOIA staff. (Case Number DHS/OS/PRIV 10-0999)

- On August 16, 2010, **Susan Carroll**, a reporter with the ***Houston Chronicle*** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the Worksite Enforcement Consolidated Monthly I-9 Inspection Tracking Spreadsheet for August 2010 (Master List). (Case Number 2010FOIA7746).
- On August 16, 2010, **Thomas Cronin**, Chairman of the **National Association of Former Border Patrol Officers** in Brunswick, Georgia, requested from the Department of Homeland Security (DHS) the following records: 1) All correspondence and notes from meetings related to Senate Bill 1689 between the DHS, the Department of Interior (DOI), and any member(s) of U.S. Customs and Border Protection (CBP) since Jan 20, 2009; and 2) All correspondence and appointment records between DHS, CBP employees and officials with any U.S. Congressional Staff relating to Senate Bill 1689 and Wilderness land proposals within the State of New Mexico since Jan. 20, 2009. (Case Number DHS/OS/PRIV 10-0987).
- On August 16, 2010, **Joel Stonington**, a reporter with the ***Wall Street Journal*** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) all documents relating to seizure of art or cultural artifacts at ports of entry in New York and New Jersey between January 1, 2008 and present. (Case Number 2010FOIA7749).
- On August 16, 2010, **Ian Urbina**, a reporter with ***The New York Times*** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the ICE FOIA log from June 1, 2010 to August 1, 2010. (Case Number 2010FOIA7638).
- On August 17, 2010, **Carlos Holguin**, General Counsel with **Center for Human Rights and Constitutional Law Foundation** in Los Angeles, California, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) All USCIS decisions of Form I-687 application for lawful temporary residence filed pursuant to the settlements in *Catholic Social Services v. Secretary, Department of Homeland Security*, No. Civ S-86-1343-LKK (E.D. Cal.), and/or *Newman v. Secretary, Department of Homeland Security*, No. CV 87-4757-WDK (C.D. Cal.); 2) All decisions for the Administrative Appeals Office on appeals from denials for Form I-687 applications for lawful temporary residence filed pursuant to the settlements in *Catholic Social Services v. Secretary, Department of Homeland Security*, No. Civ S-86-1343-LKK (E.D. Cal.), and/or *Newman v. Secretary, Department of Homeland Security*, No. CV 87-4757-WDK (C.D. Cal.); 3) All USCIS decisions of Form I-698 applications to adjust from temporary to permanent residence filed by persons granted lawful temporary residence under § 245A of the INA and the settlements in *Catholic Social Services v. Secretary, Department of Homeland Security*, No. Civ S-86-1343-LKK (E.D. Cal.), and/or *Newman v. Secretary, Department of Homeland Security*, No. CV 87-4757-WDK (C.D. Cal.); and 4) All AAO decisions of appeals from denial for Form I-698 applications to adjust from temporary to permanent



residence filed by persons granted lawful temporary residence under § 245A of the INA and the settlements in *Catholic Social Services v. Secretary, Department of Homeland Security*, No. Civ S-86-1343-LKK (E.D. Cal.), and/or *Newman v. Secretary, Department of Homeland Security*, No. CV 87-4757-WDK (C.D. Cal.). (Case Number NRC2010060017).

- On August 17, 2010, **Tegan Millspaw**, the FOIA Program Manager with **Judicial Watch** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following: 1) All records concerning the establishment of a Mexican Consular Office at the Catalina Island Country Club, California; and 2) All records concerning Mexican officials requesting ICE to not enforce U.S. immigration laws on Catalina Island. (Case Number 2010FOIA7897).
- On August 17, 2010, **Juan Carlos Rodriguez**, a reporter with the *Albuquerque Journal* in Albuquerque, New Mexico, requested from U.S. Immigration and Customs Enforcement (ICE) all records relating to the number of people upon whom ICE has placed immigration holds, or detainers, at the Bernalillo County Metropolitan Detention Center and Albuquerque Prisoner Transport Center from July 2009 to July 2010. (Case Number 2010FOIA7898).
- On August 17, 2010, **Jason Smathers**, a writer for *Witnesses unto Me* in Topock, Arizona, requested from United States Citizenship and Immigration Services (USCIS) copies of all logs or databases of all immigrants (SD) and non-immigrant (R-1) religious worker visa applications from August 2008 to August 2010. (Case number: 2010000295).
- On August 17, 2010, **Meg Stalcup**, freelance journalist with the *Washington Monthly* in Seattle, Washington, requested from the Federal Law Enforcement Training Center (FLETC) the following records: 1) Slides, handouts, course details, textbooks, reports by subject matter experts relating to "Islamic Culture and Names" taught in the Fundamentals of Terrorism Training Program (FOTTP) a training program in the FLETC Counterterrorism Division, in 2004, 2005, 2006 and 2010; and 2) A "quick series guide" related to Arabic terms and customs, as well as "DHS authored Diversity DVD" and a reference guide related to Arabic names and culture. (Case Number FOIA 10-129).
- On August 18, 2010, **Emily Carey**, Program Coordinator with the **American Civil Liberties Union of New Mexico Regional Center for Border Rights** in Las Cruces, New Mexico, requested from the Department of Homeland Security (DHS) the following records: 1) Policies and Procedures for CBP Apprehension of Immigrants: Any and all current "records" setting forth policies and procedures related to apprehension of immigrants in the field by CBP agents as mandated by headquarters and/or generated by each "sector of interest." This would include but is not limited to: initial field assessment; screening for health concerns and administration of medical care; transportation of aliens;

policy regarding vulnerable populations including women, children, families, and individuals with health concerns; and screening for victims of crime and/or trafficking; 2) Policies and Procedures for Processing & Custody of Individuals Under Cap: Any and all current "records" setting forth policies and procedures related to the processing and custody of immigrants under CBP as mandated by headquarters and/or generated by each "sector of interest." This would include but is not limited to: information relayed to and requested of individuals taken into custody; screening for fear of persecution; screening for victims of crime and/or trafficking; assessment for health concerns; number of individuals per holding cell; custody of vulnerable populations including women, children, families, and individuals with health concerns; standards of care and conditions for individuals held in CBP processing, holding cells, and/or border patrol stations; access to medical care; access to food and water; information regarding processing times; notification to consulates; access to telephones; access to legal counsel; 3) Policies and Procedures Regarding Repatriation of Individuals from CBP Custody: Any and all current "records" setting forth policies and procedures related to repatriation of immigrants as mandated by headquarters and/or generated by each "sector of interest." This would include but is not limited to policies regarding repatriation of vulnerable populations at night; repatriation of families; repatriation of unaccompanied minors; return of personal belongings; procedures related to care of U.S. citizen children. 4) Grievance and Procedures: Any and all policies and procedures related to filing grievances with the U.S. Customs and Border Protection regarding treatment while in CBP custody as mandated by headquarters and/or generated by each "sector of interest."

- On August 18, 2010, **Thomas Watkins**, a reporter with *The Associated Press* in Los Angeles, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) Any e-mails, correspondence or other written material between ICE and the Corrections Corporation of America (CCA) in the last three years, pertaining to health care issues at any of the CCA facilities ICE sends inmates to in Arizona and California; and 2) Any written correspondence or records detailing any audits undertaken by ICE in the last three years that describe medical response times and health care efficiencies at CCA Arizona and California facilities with ICE inmates. (Case Number 2010FOIA7909).
- On August 18, 2010, **Scott MacFarlane**, a reporter with *Cox TV* in Washington, D.C., requested from the Department of Homeland Security (DHS) lists of DHS employees and salaries in the state of West Virginia in August 2007 and August 2010. (Case Number 10-0992).
- On August 18, 2010, **Scott MacFarlane**, a reporter with *Cox TV* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all complaints, investigative reports, memos, or other correspondence to DHS senior Management regarding the misconduct or



noncompliance to procedures by U.S. Air Marshalls in 2009 and 2010. (Case Number DHS/OS/PRIV 10-0993).

- On August 18, 2010, **Scott MacFarlane**, a reporter with **Cox TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all documents related to travel to or from Texas using government aircraft by Secretary Napolitano in 2009 and 2010, to include all expenses and purchases. (Case Number DHS/OS 10-0994).
- On August 18, 2010, **Scott MacFarlane**, a reporter with **Cox TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records: 1) A list of all airlines cited for violating provisions of the “no-fly list;” 2) A list of locations (airports and/or cities) and dates in which such violations occurred. (Case Number DHS/OS/PRIV 10-0995).
- On August 18, 2010, **Scott MacFarlane**, a reporter with **Cox TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all e-mails exchanged between DHS employees and Congressman Mark Critz (D-PA-12) or Mathew Mazonkey. (Case Number DHS/OS/PRIV 10-0996).
- On August 18, 2010, **Scott MacFarlane**, a reporter with **Cox TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all written communications between the following DHS employees and Erroll Southerns in 2009 and 2010: 1) Janet Napolitano; 2) Noah Kroloff; 3) Art Macias; 4) John Sammon; and 5) Tom Hoopes. (Case Number DHS/OS/PRIV 10-0997).
- On August 19, 2010, **Jason Smathers**, a writer for **Witness Unto Me** in Topock, Arizona, requested from the Department of Homeland Security (DHS) the following records relating to or mentioning Dearborn, Michigan: 1) Assessments concerning the viability of a presidential visit; 2) Suspected or known terrorist cells; 3) Possible threat of radicals emerging from the growing population of Muslims in Dearborn; 4) Copies of any no-fly list or any watch list of suspected terrorists where the person listed resides in or travels to Dearborn; 5) Log of all cases where the suspect or arrestee is or was a resident of Dearborn; 6) All records where a person who is a resident of Dearborn or is traveling to Dearborn is denied entry into the United States; and 7) All records of illegal immigrants who are detained or deported who were staying in or traveling to Dearborn. (Case Number 10-1003).
- On August 19, 2010, the National Guard Bureau referred to the Department of Homeland Security (DHS) documents responsive to a request from **Randy Tyler**, a Legal Fellow with the **American Civil Liberties Union of Washington Foundation** in Seattle, Washington, seeking records of expressive activity relating to military shipments through the Port of Tacoma, Port of Olympia, or Port of Grays Harbor.

#### Late Entries

- On August 9, 2010, **Antonio Olivo**, a reporter with *The Chicago Tribune* in Chicago, Illinois, requested from United States Citizenship and Immigration Services (USCIS) copies of the following records: 1) All business plans submitted by approved Immigrant Investor Regional Centers; and 2) All economic studies, marketing plans, reports tracking the creation of jobs, and current statistics. (Case Number COW2010000121).
- On August 11, 2010, **Paul Weber**, a reporter with *The Associated Press* in San Antonio, Texas, requested from U.S. Customs and Border Protection (CBP) the following records: 1) Copies of the U.S. Border Patrol, Marfa Sector, line-item budget for Fiscal Year 2010 and line-item expenditures to FY 2010 (year to date); 2) Copies of emails, memos, and other correspondence pertaining to budget issues, shortfalls, and/or constructs; and 3) Correspondence detailing budget issues/concerns in the Marfa Sector. (Case Number CBP FOIA #2010F16281).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On August 11, 2010, United States Citizenship and Immigration Services (USCIS) released to **Matthew Furshong**, a researcher with **UNITE HERE** in New York, New York, an excel spreadsheet listing employers who have registered with the E-verify service. These records were released in full.
- On August 18, 2010, the United States Coast Guard (USCG) released to **Collin Campbell**, a reporter with *WNYC New York Public Radio* in New York, New York, 153 pages of activity summary reports and Certificates of Inspections in response to his request seeking inspection records, reports and safety data collected on the Staten Island Ferry boats Sen. John J. Marchi and Andrew J. Barberi in the last 12 months, from May 1, 2009 to May 10, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On August 16, 2010, the Department of Homeland Security issued a partial “no record” determination in response to a request from **Josh Gerstein** of *Politico* in Arlington, Virginia, who requested records pertaining to a December 15, 2009, White House summit with entertainment executives on intellectual property rights. Our response also advised Mr. Gerstein that U.S. Immigration and Customs Enforcement (ICE) is continuing to search for records and will respond directly to the request.
- On August 16, 2010, the Department of Homeland Security (DHS) released to **Scott MacFarlane**, a reporter with *COX TV* in Washington, D.C., copies of Secretary Janet Napolitano’s appointment calendar for March 2010, and logs of all of her meetings and calls during March 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(6).



- On August 16, 2010, the United States Coast Guard (USCG) released to **Ned Murphy**, a consulting Geochemist with the **Central Planet Repair** in Wahiawa, Hawaii, three (3) pages of BAA White Papers in response to his request for copies of the complete review comments regarding contract number BAA HSCG32-10-R-R00019 for the Deepwater Horizon Oil Spill Response. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On August 16, 2010, the United States Coast Guard (USCG) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, D.C., 52 pages of records regarding the decision to declare the Deepwater Horizon oil spill a “spill of national significance.” Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), and (b)(6).
- On August 16, 2010, the Department of Homeland Security (DHS) released to **Sharon Theimer**, a reporter with *The Associated Press* in Washington, D.C., 65 pages in response to her request for correspondence since January 2005, between the DHS Office of the Secretary and Newt Gingrich in his official capacity as head of the Gingrich Group, Gingrich Communications, Gingrich Enterprises, Gingrich Holdings, Gingrich Productions, the Center for Health Transformation, the National Commission for Quality Long-Term Care, or American Solutions for Winning the Future. These records were released in full.
- On August 17, 2010, U.S. Customs and Border Protection (CBP) released to **John Althen**, a representative of **Judicial Watch**, in Washington, D.C., statistics related to human smuggling in the Tucson Sector.
- On August 17, 2010, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Scott MacFarlane**, a reporter with *Cox TV* in Washington, D.C., 1,816 pages of material consisting of DHS employee names and salaries. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)high, (b)(6), and (b)(7)(C).
- On August 17, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Edward Wilson**, an attorney from **Venable LLP** in Washington, D.C., 5,846 pages of documents responsive to his request seeking copies of the proposed debarment notices, action referral memoranda, and suspension and debarment notices issued between January 1, 2008 to the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On August 18, 2010, the United States Coast Guard (USCG) released to **Ami Desai**, an Associate Producer with *Inside Edition* in Los Angeles, California, the incident investigation report, enforcement activities, witness statements, and the search and rescue report pertaining to the (b) (6) and the disappearance of (b) (6). Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

- On August 18, 2010, the United States Coast Guard (USCG) released to **Ryan Knutson**, a reporter with *ProPublica* in New York, New York, 40 pages of vessel inspections pertaining to his request seeking all written correspondence between the USCG and Transocean, BP, and Halliburton from March 15, 2010 to May 2, 2010, relating to BP, Deepwater Horizon, Transocean, Halliburton, and the remote shutoff device, acoustic switch, blowout preventer, shear ram, safety, compliance and inspections. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On August 18, 2010, the Department of Homeland Security (DHS) issued a “no record” determination in response to a request from **Fred Lucas**, a reporter with *Cybercast News Service* in Alexandria, Virginia, who requested all communications and/or documents between the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), the DHS; the Department of State (DoS), the Department of Defense (DoD), the White House/Executive Office of the President, the Transportation Safety Administration (TSA), and U.S. Customs and Border Protection (CBP) that refer or relate in any way, shape, or form to the following: 1) Arrest of Umar Farouk Abdulmutallab; 2) Whether or not and when to read Miranda rights to Umar Farouk Abdulmutallab; 3) Whether or not to try Umar Farouk Abdulmutallab as a criminal; 4) Whether or not to try Umar Farouk Abdulmutallab as an enemy combatant; 5) The protocol followed during Umar Farouk Abdulmutallab’s arrest; 6) Preparing Umar Farouk Abdulmutallab’s criminal complaint; 7) Umar Farouk Abdulmutallab’s indictment; and 8) Immediate security-related response to Umar Farouk Abdulmutallab’s arrest. DHS HQ response advises the requester that, absent consent from the individual, we could not search certain systems of records; therefore, our search produced negative results.
- On August 19, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **David Paredes**, a reporter with *KPHO-TV5* in Phoenix, Arizona, an excel spreadsheet listing the number of detainers issued within the Phoenix, Arizona Area of Responsibility during FY08, FY09, and to date in FY10, and includes the “NCIC Charge Severity Code”, the date the detainer was prepared, and the ICE program that placed the detainer. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

## V. Lawsuits

- In the matter of *Isidoro Herrera v. Roland O’Briant et al.*, (7:10-cv-00272), Plaintiff’s have Petitioned for Writ of Habeas Corpus, Complaint for Declaratory and Injunctive Relief, Request for Order to Show Cause, a Prompt Hearing, and a Motion for Preliminary Injunction relating to their FOIA request for records pertaining to a removal order and USCIS denial of their request for expedited treatment.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of August 20 - 26, 2010

Privacy Office

August 30, 2010

### Weekly FOIA Report

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

- NSTR

II. **FOIA Requests**

- On August 19, 2010, **Darci Bolger**, with **LexisNexis CourtLink Document Retrieval** in Bellevue, Washington, requested from the United States Coast Guard (USCG) a list of claims presented to the Oil Spill Liability Trust Fund for any incidents occurring in the Gulf of Mexico from January 1, 1990 to the present as well as the final determination memos for those claims. (Case Number 2010FOIA3255).
- On August 19, 2010, **David Peterson**, an Assistant Attorney General with the **Louisiana Department of Justice** in Baton Rouge, Louisiana, requested from the United States Coast Guard (USCG) all documents regarding the operations of any and all fresh water diversions in response to the Deepwater Horizon Oil Rig explosion. (Case Number 2010FOIA3256).
- On August 23, 2010, the U.S. Coast Guard (USCG) referred to the Department of Homeland Security (DHS) a request from **Lucy Dalglish**, Executive Director & Publisher of *The News Media & The Law* in Arlington, Virginia, who requested an expansive list of records relating to the BP oil spill in the gulf coast. USCG referred to DHS one document, consisting of a set of July 16, 2010, talking points for the Deputy Secretary in preparation for a meeting with the White House. (Case Number 2010-2749).
- On August 26, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from the United States Coast Guard (USCG) all documents released in response to the following FOIA requests: 1) 2010FOIA3004; 2) 2010FOIA3005; 3) 2010FOIA3006; 4) 2010FOIA3008; and 5) 2010FOIA3009. (Deepwater FOIA's previously completed or in the process of being completed). (Case Number 2010FOIA3312).
- On August 20, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested from the Transportation Security Administration (TSA) all releasable portions of a log of persons denied access to board an aircraft between 9/11/2001 and the time this request is processed. (Case Number TSA10-0774).
- On August 23, 2010, **Ken Dilanian**, a National Security Correspondent with the *Los Angeles Times Tribune*, in Washington, D.C., requested from U.S.



Customs and Border Protection (CBP) several different types of records pertaining to the hiring and oversight of Border Patrol agents. (Case Number #2010F16668).

- On August 23, 2010, **Ken Dilanian**, a National Security Correspondent with the *Los Angeles Times Tribune*, in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) records pertaining to the use of lethal force by Border Patrol Agents. (Case Number #2010F16669).
- On August 23, 2010, the Transportation Security Administration (TSA) referred to the Department of Homeland Security (DHS) a request from **Eric Scheiner**, a reporter with *Cybercast News Service* in Alexandria, Virginia, seeking an update to a report issued by the Department of Homeland Security's Office of Inspector General in 2009, regarding the role of the no-fly and selectee lists in securing commercial aviation. (Case Number DHS/OS/PRIV 10-1027).
- On August 24, 2010, **David Perera**, a journalist with *Fierce Government IT* in Washington, D.C., requested from the Office of Inspector General (OIG) a copy of "Special Review of the Science and Technology Directorate's Contracts with a Small Business" (#OIG-10-103). (Case Number OIG FOIA #2010-166).
- On August 24, 2010, **Paul Gottlieb**, a Senior Staff Writer with the *Peninsula Daily News* in Port Angeles, Washington, requested from U.S. Customs and Border Protection (CBP) the number of arrests made by the Port Angeles Station, Border Patrol Sector, for Fiscal Years 2009 and 2010 to date, including names and disposition. (Case Number CBP FOIA #2010F16670).
- On August 24, 2010, **Jason Smathers**, a writer for *Witness Unto Me* blog in Topock, Arizona, requested from the Department of Homeland Security (DHS) records maintained by any Department of Homeland Security (DHS) unit or office on, about, or mentioning "The Watchtower Tract and Bible Society," aka Jehovah's Witnesses. (Case Number DHS/OS/PRIV 10-1026).
- On August 25, 2010, **Jeremy Redmon**, a reporter with the *Atlanta Journal-Constitution* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following records: 1) Names of any and all entities, including any cities, counties and state agencies, that have applied to participate in the 287(g) program; and 2) Reasons why any entities from Georgia, including any Georgia cities, counties and state agencies, that have applied to participate in the 287(g) program have been rejected from participating in the 287(g) program. (Case Number 2010FOIA8044).
- On August 26, 2010, (b) (6) in Winter Springs, Florida, requested from the Transportation Security Administration (TSA) any and all records pertaining to (b) (6) and in particular the subpoena with which he was served in December 2009, that requested he provide all documents, emails, and/or facsimile transmissions in his control possession or control

concerning his receipt of (b) (6) dated December 25, 2009. (Case Number TSA10-0777).

#### Late Entries

- On June 4, 2010, the National Guard Bureau referred to the Transportation Security Administration (TSA) a request from **Randy Tyler** of the **American Civil Liberties Union (ACLU)** in Seattle, Washington, seeking any records relating to the use of private contractor, third party or private individual to engage in surveillance, investigate or collection of information about expressive activity... between political activists in Washington State and military, local, state or federal law enforcement official, employee contractor or agent of your agency and the Washington Joint Analytical Center, any Regional Intelligence Office or and Regional Intelligence Analysts within Washington State. (Case Number TSA10-0764).
- On August 12, 2010, **Patrick Dolan**, News Director with **News 12 Long Island** in Woodbury, New York, requested from the United States Coast Guard (USCG) the following records: 1) A list of all USCG regulated facilities on the south shore of Connecticut and the North Shore of Long Island; 2) Annual inspection reports of all such facilities for the past five years. (Case Number 2010FOIA3296).
- On August 16, 2010, **Michael Arcilesi**, Special Projects Manager with **WDIV-TV** in Detroit, Michigan, requested from the Transportation Security Administration (TSA) a copy of criminal incident reports detailing train robberies in which cargo was stolen from, or attempted to be stolen from trains in the Continental United States from January 1, 2008 to January 1, 2010. (Case Number TSA10-0738).
- On August 18, 2010, **Scott MacFarlane**, a reporter with **Cox-TV** in Washington, D.C, requested from the Transportation Security Administration (TSA) the following records: 1) A list of all airlines cited for violating provisions of the "no-fly list;" and 2) A list of airports and or cities, and dates in which such violations occurred. (Case Number TSA10-0755).
- On August 19, 2010, **Justin Blum**, a reporter with the **Bloomberg News** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records in the Customs/ICE case file connected to criminal case #03-cr-00123-JCC-1. (Case Number 2010FOIA7953).
- On August 19, 2010, **Ian Mandel**, an individual in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all correspondence originating with or responding to Congressman Dave Reichert (WA-08), his Congressional staff, or his campaign staff regarding projects or funding under the American Recovery and Reinvestment Act (Public Law No: 111-5). (Case Number DHS/OS/PRIV 10-1017).
- On August 19, 2010, **Mark Roberts**, CEO for **TechServe Alliance** in Alexandria, Virginia, requested the following from United States Citizenship and Immigration Services (USCIS) the following records: 1)



Documents relating to or referencing the memorandum of January 8, 2010 from Donald Neufeld, Associate Director, Service Center Operations entitled “Determining Employer-Employee Relationship for Adjudication of H-1B Petitions, Including Third-Party Site Placements”; 2) Documents from April 15, 2009 to the present relating to the document entitled “H-1B Petitions, Fraud Referral Sheet, Petitioner Not Already Identified in the Fraud Intelligence Digest,” (rev. 12/12/08); 3) Documents from April 15, 2009 to the present concerning the policies, guidance, procedures, strategies, or priorities of USCIS with respect to the processing of H-1B; 4) Documents from January 1, 2007 to the present, other than documents pertaining to the application for an H-1B visa which mention or refer to an Indian or Indians (or some similar term such as “South Asian”) or businesses that are owned or controlled by persons who are Indian; 5) Documents from January 1, 2007 to the present pertaining to the application for an H-1B visa for an individual beneficiary to or from any USCIS employee paid at the GS-13 rate or above in any of the Program Offices or Directorates listed on the USCIS Organization Chart as updated January 13, 2010, Office of the Director, Chief of Staff, or Senior Advisor, or working at the California or Vermont Service Centers; 6) Documents from January 1, 2007 to the present pertaining to the application for an H-1B visa for an individual beneficiary in which persons who are Indian or perceived to be Indian or business that are owned or controlled by persons who are Indian are negatively characterized, denigrated, or are referred to in negative terms; 7) Documents from January 1, 2008 to the present related to or mentioning USCIS policies concerning the H-1B visa program to or from any member of Congress or their staff; and 8) Documents from January 1, 2008 to the present relating to or mentioning USCIS policies concerning the H-1B visa program in relation to Information Technology staffing firms, IT service firms or what is referred to as “job shops.” (Case number: COW2010000325).

- On August 23, 2010, **Edward Hasbrouck**, a consultant on travel related issues with the **Identity Project** in Oakland, California, requested from the Department of Homeland Security (DHS) records created by DHS or other agencies or departments in the course of processing, investigation, or action on his November 3, 2009 complaint of FOIA and Privacy Act violations. (Case Number DHS/OS/PRIV 10-10-19).

### III. FOIA Appeals

- On August 17, 2010, **Michael Ravnitzky**, an independent blogger in Silver Spring, Maryland, appealed the response from United States Customs and Border Protection (CBP) to his request for “substantial reports from DHS to Congress,” which withheld 35 pages in their entirety pursuant to Exemptions (b)(2), (b)(5) and (b)(7)(E). (Case Number CBP FOIA 2010F15489).

### IV. FOIA Releases

- On August 19, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Edward Wilson**, an attorney from **Venable LLP** in Washington, D.C., 5,846 pages of documents responsive to his request for copies of records pertaining to suspension and debarment actions of the ICE Office of Acquisition Management. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA3820).
- On August 20, 2010, United States Citizenship and Immigration Services (USCIS) issued to **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., a no records determination in response to his request for records pertaining to communication between USCIS and Mitchell Elias “Mitch” Daniels, Jr. (R-IN). (Case Number NRC2010014086).
- On August 20, 2010, United States Citizenship and Immigration Services (USCIS) issued to **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., a no records determination in response to his request for records pertaining to communication between USCIS and Sara Louise Palin, (R-AK). (Case Number NRC2010014094).
- On August 20, 2010, United States Citizenship and Immigration Services (USCIS) issued to **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., a no records determination in response to his request for records pertaining to communication between USCIS and Michael Dale “Mike” Huckabee (R-AR). (Case Number NRC2010014094).
- On August 20, 2010, United States Citizenship and Immigration Services (USCIS) issued to **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., a no records determination in response to his request for records pertaining to communication between the USCIS and Willard Mitt Romney (R-MA). (Case Number NRC2010014095).
- On August 2010, U.S. Customs and Border Protection (CBP) released to **Felicia Kit**, an Associate Producer with **KGTV ABC News** in San Diego, California, 87 pages of records related to the number of civilians tasered in San Diego County by CBP Officers. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2),(b)(5),(b)(7)(A), and (b)(7)(E). (Case Number 2010F13651).
- On August 20, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **David Shapiro**, a Staff Attorney with the **American Civil Liberties Union National Prison Project** in Washington, D.C., the eight supplemental response and includes e-mail correspondence, medical records, and OPR investigations pertaining to the following individuals: 1) Pedro Tavarez (Date of Death 10/19/2009); 2) Juan Baires (DOD 11/2/2008); 3) Claudio Coronado-Gabriel (DOD 1/12/2009); 4) Nail Yoursef Dawood (DOD 7/21/2008); 5) Pedro Gumayagay (DOD 1/29/2008); 6) Valery Joseph (DOD 6/20/2008); 7) Roberto Martinez Medina (DOD 3/11/2009); 8) and Ruben Sandoval (DOD 9/30/2009).



Portions of this response were withheld pursuant to FOIA Exemption (b)(6).

- On August 21, 2010, U.S. Customs and Border Protection (CBP) released to **Kristina Davis**, a Staff Writer with the *San Diego Union-Tribune* in San Diego, six pages of records pertaining to their request for copies of the CBP policies and procedures regarding the use of Tasers. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2) and (b)(7)(E). (Case Number CBP FOIA #2010F14754).
- On August 24, 2010, the Department of Homeland Security (DHS) released to **Reuven Blau**, a reporter with the *New York Post* in New York, New York, copies of the Secretary's schedules from November 2009 through March 2010, as well as copies of records detailing travel expenses for the same period. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(6).
- On August 25, 2010, U.S. Customs and Border Protection (CBP) released to **Thomas Burke, Esquire**, on behalf of his client, **The Lawyer's Committee for Civil Rights** in San Francisco, California, 1,021 pages of records consisting of policies, protocols and excerpts from handbooks in response to their request for four (4) categories of records related to the use, attempted use or threatened use of U.S. immigration laws or regulations to enlist the cooperation, assistance, or participation of individuals to provide information to government officials or to participate in intelligence gathering activities. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E).
- On August 25, 2010, the Department of Homeland Security (DHS) released to **Robert Deasy**, Director, Liaison and Information for the **American Immigration Lawyers Association (AILA)** in Washington, D.C., a copy of a Memorandum of Agreement between U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP) for the purpose of coordinating the concurrent exercise of the Secretary's parole authority under INA 212(d)(5)(A) with respect to certain aliens located outside of the United States. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6).
- On August 25, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Veena Dubal**, an attorney from the **Asian American Legal Defense Fund** in New York, New York, a copy of a February 2006 memo from ICE regarding federal agencies' creation and use of internal lists of "special interest countries." Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(3), (b)(5), (b)(6), and (b)(7)(C). (Case Number 2010FOIA1864).
- On August 25, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **David Paredes**, a reporter from **KPHO-TV5** in Phoenix, Arizona, a spreadsheet pertaining to detainees issued by ICE for individuals identified in Arizona municipal and county jails for fiscal year

2008 to the present to include the NCIC Criminal Levels for each of the individuals identified. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA6047).

- On August 25, 2010, the Department of Homeland Security (DHS) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, D.C., one four-page record summarizing the Secretary's travels in response to a request for a copy of Janet Napolitano's travel logs, to include the following: 1) The dates of each trip; 2) The city, state, or country visited on official business for each trip from Jan. 20 through Aug. 12; 3) Staff members who traveled with her; 4) A brief description of the purpose of each trip (for instance, announcing stimulus grants or making a policy speech); and 5) The cost of each trip. These records were released in full.

## V. Lawsuits

- *Shanell James v. DEA, et al.*, (D.D.C. 08-842), Plaintiff filed a complaint on May 15, 2008, challenging U.S. Immigration and Customs Enforcement (ICE) withholding determinations pertaining to their request for records relating to a lab report that plaintiff, a Federal Prisoner at Metropolitan Detention Center in Brooklyn, New York. Relates to ICE FIOA 06-19650 and 07-51434. Draft declaration submitted to AUSA for review on August 26. Final version will be submitted on August 27, 2010.
- *Iraqi Refugee Assistance Project v. U.S. Department of State, et al.*, (09-CV-10032-SDNY), DHS provided the Department of Justice with a first partial release of records to be delivered to Plaintiff's attorneys with certain information withheld pursuant to FOIA exemptions 2(high), 5, 6, and 7E. Records included communications relating to implementation of the Refugee Crisis in Iraq Act of 2007.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of August 27 – September 2, 2010**  
**Privacy Office**  
**September 7, 2010**  
**Weekly FOIA Report**

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On August 30, 2010, U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Electronic Reading Room the following records: 1) A Section 287(g) Memorandum of Agreement with the Lexington County Sheriff's Office in Lexington County, South Carolina; and 2) A Secure Communities Program Memorandum of Agreement with the South Carolina Law Enforcement Division.
  - On August 30, 2010, United States Citizenship and Immigration Services (USCIS) proactively posted to its FOIA Electronic Reading Room the following records: 1) Draft "[Request for Evidence - I-140 E11 Alien of Extraordinary Ability](#)" template for stakeholder review and comment; 2) The draft policy memorandum "[Nepal Initiative - Filing Form I-600, Petition to Classify Orphan as an Immediate Relative, to adopt a child in Nepal \(AFM Update AD10-47\)](#)," this memorandum seeks to centralize adjudication and give petitioners a chance to make an informed decision about adopting a child in Nepal; and 3) Policy Memorandum (PM) [Guidance on Uniform Denial Language Pertaining to Appeals to the Board of Immigration Appeals \(AFM Update AD10-25\)](#). This PM provides guidance to USCIS workforce members on uniform denial language pertaining to appeals to the Board of Immigration Appeals (BIA).
- II. FOIA Requests**
- On August 27, 2010, **Ryan Knutson**, a journalist with *PBS Frontline* in Boston, Massachusetts, requested from the United States Coast Guard (USCG) a letter addressed to Kent Wells of BP related to the incidents of BP safety drilling operations in the Gulf of Mexico dated on September 24, 2003. (Case Number 2010FOIA3345).
  - On August 31, 2010, **Nicholas Monroni**, a freelance journalist, requested from the United States Coast Guard (USCG) statistics from the National Pollution Funds Center (NPFC) administration of the Oil Spill Liability Trust Fund between April 20, 2010 and August 31, 2010. (Case Number 2010FOIA3365).
  - On August 31, 2010, **Sharon Theimer**, a reporter with *The Associated Press* in Washington, D.C., requested from the United States Coast Guard (USCG) copies of any and all correspondence pertaining to a USCG contractor that worked on the Gulf Oil Spill response team from April 21, 2010 to present. (Case Number 2010FOIA3369).
  - On August 28, 2010, **Adam Isen**, an individual from Philadelphia, Pennsylvania, requested from United States Citizenship and Immigration



Services (USCIS) information relating to the H1B Visa program, specifically, the number of individuals listed for each fiscal year, by firm, as well as the employer identification numbers of each firm. (Case Number NRC2010063678).

- On August 30, 2010, **John Althen**, a representative of **The Judicial Watch, Inc.**, in Washington, D.C., requested from the Department of Homeland Security (DHS) the following: 1) All records concerning any DHS briefings regarding a systematic review of pending immigration cases against suspected illegal immigrants in Houston, Texas; 2) All records of general guidelines issued to DHS attorneys allowing for the dismissal of pending immigration cases; 3) All records detailing the determination and implementation of a systematic review of pending immigration cases against suspected illegal immigrants in Houston, Texas; and 4) All correspondence with non-governmental organizations (to include, but not limited to, the **American Immigration Lawyers Association**) concerning the process for U.S. Immigration and Customs Enforcement (ICE) to give consideration to possible dismissal of pending immigration cases. (Case Number DHS/OS/PRIV 10-1035).
- On August 31, 2010, **Robert O'Harrow**, a staff writer for *The Washington Post* in Washington, D.C., requested from the Department of Homeland Security (DHS) documents relating to a "comprehensive review of joint-venture contractors" that was conducted earlier this year. (Case number DHS/OS/PRIV 10-1037).
- On September 1, 2010, **Jazmine Ulloa**, a reporter with *The Brownsville Herald* in Brownsville, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) A copy of each Application for Stay of Deportation or Removal (I-246) form filed in each of the following years: 2009, 2008, 2007, and 2006; and 2) A copy of the response to each of the I-246 forms denied an extension to stay in the U.S., or a favorable exercise of discretion in each of the following years: 2009, 2008, 2007, and 2006. (Case Number 2010FOIA8353).
- On September 2, 2010, **Michael von Loewenfeldt**, a representative from **Kerr & Wagstaffe LLP**, in San Francisco, California, requested from the Department of Homeland Security (DHS) documents pertaining to the role of the Secretary of Homeland Security as a member of the Advisory Committee on Service members' Group Life Insurance. He is specifically seeking the following records: 1) All documents or other records relating or referring to the use of Prudential's Alliance Accounts as a method of payment to SGLI and/or VGLI beneficiaries; 2) All reports prepared by the Department of Veterans Affairs and/or Veterans Benefits Administration regarding Alliance Accounts, from 1999 to the present; 3) All documents or other records relating or referring to any request by Prudential to use Alliance Accounts instead of paying actual lump sum payments to SGLI/VGLI beneficiaries; 4) All communications (including emails and/or documents reflecting oral communications) from any personnel at the Department of Veterans Affairs and/or Veterans Benefits

Administration relating or referring to the use of retained asset accounts by SGLI and/or VGLI insurers; 5) All records of communications (including emails and/or documents reflecting oral communications) since July 1, 2010, between the Secretary (or staff) and employees, agents, or representatives of Prudential Insurance Company of America; and 6) All agendas, minutes, or other records relating or referring to all meetings of the Advisory Committee on Service members' Group Life Insurance from 1998 to the present. (Case Number DHS/OS/PRIV 10-1051).

#### Late Entries

- On August 10, 2010, **Paul Curtis**, a reporter in Lihue, Hawaii, **requested from the United States Coast Guard (USCG)** any records of communications between USCG and Hawaii officials regarding a missing kayaker on July 12, 2010. (Case Number 2010FOIA3356).
- On August 26, 2010, **Jefferson Robbins**, a reporter with *The Wenatchee World* in Wenatchee, Washington, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) A copy of ICE form I-247, Immigration Detainer; 2) A copy of **ICE Form 203**, Order to Detain; and 3) The total number of Form I-247s (or commensurate detention forms) issued in each of the following years: 2005, 2006, 2007, 2008; to each of the following Washington State jails: Chelan County Regional Justice Center, Okanogan County Jail, and Grant County Jail. (Case Number 2010FOIA5963).
- On August 27, 2010, **Tegan Millspaw**, a representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from the U.S. Secret Service (USSS) all records concerning the use of U.S. government funds to provide security and/or any other services to First Lady Michelle Obama and her companions on their trip to Spain.
- On August 27, 2010, **Jilda Unruh**, a reporter with *WFOR-TV CBS4 News* in Miami, Florida, requested from the Transportation Security Administration (TSA) a list of the amount and types of weapons surrendered by travelers to TSA airports at all Florida Airports from December 6, 2007 until August 27, 2010. (Case Number TSA10-0792).

### **III. FOIA Appeals**

- NSTR

### **IV. FOIA Releases**

- On August 26, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, a no records determination in response to her request for records pertaining to the number of individuals released each fiscal year since 2003 due to a lack of space and/or lack of funds. (Case Number 2010FOIA6372).
- On August 30, 2010, U.S. Customs and Border Protection (CBP) released to **Sameer Ahmed**, from the **Asian American Legal Defense and**



**Education Fund**, and **Veena Dubal**, an attorney with the **Asian Law Caucus** in New York, New York, 16 pages of records pertaining to their request for the following records: 1) February 2006 ICE memo authored by (b) (6) regarding federal agencies' creation and use of internal lists of "special interest countries," 2) documentation regarding the existence of any proposed list of countries classified as "special interest countries," 3) documentation regarding the existence of any proposed list of countries used for national security purposes, and 4) documentation regarding the definition of "special interest alien." Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), and (b)(7)(E).

- On August 30, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Kirk Eilers**, a representative of **Hamilton Campaigns** in Fernandina Beach, Florida, 57 pages of records detailing all violations, penalties, sanctions, or other disciplinary actions taken by ICE against Darden Restaurants and/or any of its subsidiaries including but not limited to: Red Lobster, Olive Garden, Long Horn Steakhouse, The Capital Grille, Bahama Breeze, and Seasons 52, regarding the hiring of illegal aliens or other issues under ICE jurisdiction. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(High), (b)(6), and (b)(7)(C). (Case Number 2010FOIA6653).
- On August 30, 2010, U.S. Customs and Border Protection (CBP) released to **Sarah Weber**, a Staff Writer with the **Sandusky Register** in Sandusky, Ohio, three (3) pages of records consisting of sample I-213 (Deportable inadmissible aliens), I-44 (Report of apprehension or seizure), and G-166F (Report of investigation) forms. These records were released in full.
- On September 1, 2010, U.S. Immigration and Customs Enforcement (ICE) notified **Steven Emerson** from **SAE Productions** in Washington, D.C., that the information he is seeking pertaining to Faisal Shahzad is part of an ongoing and open investigation in the May 1, 2010 Times Square car bomb attempt. This response was withheld in its entirety pursuant to FOIA Exemptions (b)(7)(A). (Case Number 2010FOIA4996).
- On September 1, 2010, the Office of Inspector General (OIG) released to **David Shapiro**, an attorney with the **American Civil Liberties Union National Prison Project**, 37 pages pertaining to individuals who died in immigration detention. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6), and (b)(7)(C). (OIG FOIA #2010-170).
- On September 1, 2010, the Department of Homeland Security (DHS) released to **Melissa Klein**, reporter with the **New York Post** in New York, New York, 17 pages of correspondence in response to her request seeking copies of congressional correspondence identified to the following ECT workflow numbers: 1) 397190; 2) 588861; 3) 589120; 4) 711162; 5) 778771; 6) 864255; and 7) 23991.
- On September 2, 2010, United States Citizenship and Immigration Services (USCIS) issued to **Scott Amey**, a representative of **Project On**

**Government Oversight (POGO)** in Washington, D.C., a no records determination in response to his request for a copy of all ethics waivers and recusal agreements/records issued by the U.S. Department of Homeland Security from January 1, 2009 to the present. (Case COW2010000324).

- On September 2, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Laura Crimaldi**, a reporter from the ***Boston Herald*** in Boston, Massachusetts, three spreadsheets relating to her request for copies of records and statistics regarding individuals detained by ICE within the state of Massachusetts; specifically, the number and country of origin of those individuals, as well as information regarding the locations and cost of detention facilities in Massachusetts. These records were released in full. (Case Number 2010FOIA4772).
- On September 2, 2010, the United States Coast Guard (USCG) issued to **Jason Dearen**, a reporter with ***The Associated Press*** in San Francisco, California, a no records determination in response to their request for copies of all electronic mail communications and correspondence related to the Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010, between USCG personnel and academic or administrative staff from various institutions.
- On September 2, 2010, the United States Coast Guard (USCG) issued to **Michael Kunzelman**, a reporter with ***The Associated Press*** in New Orleans, Louisiana, a no records determination in response to their request for copies of correspondence between USCG, BP PLC, and the National Oceanic Atmosphere Administration relating to the May 13, 2010 release of video taken at the Deepwater Horizon's well head.
- On September 3, 2010, United States Citizenship and Immigration Services (USCIS) will release to **J. Graff**, a journalist with ***The Schuster Institute for Investigative Journalism*** in Waltham, Massachusetts, 15 pages of records relating to his request for communications, reports, investigations, memoranda, debriefings, and complaint filings, that concern activities in relation to the adoption of Ethiopian children to American parents. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6).

## V. Lawsuits

- In the matter of *Rubashkin v. ICE*, (USDC ND Iowa 09-1034), (Agriprocessors Case) Plaintiff's filed a complaint September 18, 2009, alleging constructive denial. Fifth and final supplemental release sent to Plaintiff on July 15, 2010. Motion for new trial (in the related criminal case) filed August 5, 2010 based on information Plaintiff obtained through this request. *Vaughn* index filed on August 31, 2010.
- In the matter of *ACLU of San Diego & Imperial Counties v. DHS*, (S.D. Cal. 10-0544), Plaintiff's filed a complaint on March 15, 2010, claiming constructive denial with regard to ICE FOIA 10-1926, a request for records relating to an enforcement operation in California from December



8 through December 10, 2009. Response letter, along with 3,565 pages of responsive records, sent to Plaintiff on August 31, 2010. *Vaughn* index due on October 8, 2010.

- In the matter of *Families for Freedom, et al. v. CBP, et al.*, (S.D.N.Y. 10-2705), Plaintiff's amended complaint filed on May 21, 2010 adding ICE to an ongoing suit against CBP seeking to compel the disclosure of records relating to CBP's practice of questioning passengers on busses and trains along the northern border of the U.S. The ICE FOIA Office received the request in question on April 6, 2010, referred to case to CBP as it sought CBP records, and notified Plaintiff that ICE had closed and referred the case. Response letter, along with 51 pages of responsive records sent to the Plaintiff (by the AUSA) on August 30, 2010.
- In the matter of *Shanell James v. DEA, et al.*, (D.D.C. 08-842), Plaintiff filed a complaint on May 15, 2008, challenging U.S. Immigration and Customs Enforcement (ICE) withholding determinations pertaining to their request for records relating to a lab report that plaintiff, a Federal Prisoner at Metropolitan Detention Center in Brooklyn, New York. Relates to ICE FIOA 06-19650 and 07-51434. Draft declaration submitted to AUSA for review on August 26. Final version will be submitted on August 27, 2010.
- In the matter of *Electronic Frontier Foundation (EFF) v. DOD et al.*, on August 13, 2010, the U.S. Secret Service (USSS) made a supplemental release of documents to the plaintiffs relating to their request for information concerning the government's use of social-networking websites as investigative, surveillance, and data collection tools.

## VI. Previously Unreported

- On March 25, 2010, **Laura Rotolo**, a representative of the **American Civil Liberties Union of Massachusetts** in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) the following records: 1) Any reports of studies or assessments regarding the use of Passive Millimeter Wave Technology / Standoff technology (herein "Standoff Technology") in airports in Denver and Minneapolis; 2) Contracts between TSA or Logan Airport authorities and QinetiQ for the provision of Standoff Technology; 3) Documents regarding the use of Standoff Technology at Logan International Airport, including lists of numbers of units used and terminals currently using the technology; 4) Any life-cycle cost estimates, alternatives analysis reports, cost-benefit studies and/or risk management studies relating to the use of Standoff Technology; 5) Documents showing the text of any signage used alerting persons that Standoff Technology is being implemented; and 6) Any standard operating procedures, rules, guidelines and training documents for TSA personnel regarding the privacy of persons subjected to Standoff Technology. (Case Number TSA10-0779).
- On March 25, 2010, **Laura Rotolo**, a representative of the **American Civil Liberties Union of Massachusetts** in Boston, Massachusetts,

requested from the Transportation Security Administration (TSA) the following records: 1) Any reports addressing the effectiveness or performance of Explosive Trace Portal (ETP); and 2) Documents addressing performance issues that have led to ETPs being removed from some airports. (Case Number TSA10-0780).

- On March 25, 2010, **Laura Rotolo**, a representative of the **American Civil Liberties Union of Massachusetts** in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) any documents describing the potential for use of thermal imaging technology to detect illness at Logan Airport. (Case Number TSA10-0782).
- On March 25, 2010, **Laura Rotolo**, a representative of the **American Civil Liberties Union of Massachusetts** in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) any standard operating procedures, rules, guidelines and training documents for BDO officers at Logan Airport; any training materials regarding the use of voluntary and non-voluntary stops of persons outside the "sterile" area beyond passenger screening points. (Case Number TSA10-0783).



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of September 3 - 9, 2010

### Privacy Office

September 13, 2010

### Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On August 30, 2010, U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Electronic Reading Room the FY 2010, 3rd Quarter Secure Communities Congressional Status Report.
  - The United States Citizenship and Immigration Services (USCIS) agreement with the National Archives and Records Administration (NARA) to make Alien Files (A-Files) eligible for transfer from USCIS to NARA 100 years after an alien's birth has been [published on NARA's website](#). NARA has also announced that more than 300,000 A-Files have been transferred into their custody and are now [available to the public](#) at the National Archives in Kansas City. A number of A-Files from certain District Offices will be housed at the National Archives in San Francisco as well. These files are a valuable source of biographical and historical information and can be viewed in person by appointment or copied for a fee.
- II. FOIA Requests**
- On September 5, 2010, **Larry Bryant**, a columnist with *UFO Magazine* in Alexandria, Virginia, requested from the United States Coast Guard (USCG) the following records: 1) Copies of all USCG-generated and -received records pertaining to the 1973 UFO intrusion incident involving the USCG Cutter SPENCER; and 2) Copies of all USCG-housed records pertinent to all USCG UFO encounter cases subsequent to the one of circa 1973. (Case Number 2010FOIA3411).
  - On September 7, 2010, **David Perera**, a journalist with *Fierce Government IT* in Washington, D.C., requested from the Office of Inspector General (OIG) a copy of OIG report #OIG-10-109, entitled "Information Technology Management Letter for the FY 2009 U.S. Customs and Border Protection Financial Statement Audit." (OIG FOIA #2010-180).
  - On September 7, 2010, **Jennifer Savio**, a Special Projects Editor with *WHDH-TV* in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) Incident reports and documentation related to civil penalties for passengers who interfered with TSA screening procedures or who were unruly or abusive at security checkpoints at Logan International Airport in Boston during the calendar years 2008, 2009, and 2010; and 2) Incident reports that may not have resulted in civil penalties. (Case Number TSA10-0813).



- On September 8, 2010, **Glen Milner**, a writer in Seattle, Washington, requested from the United States Coast Guard (USCG) all documents on file regarding the proposed USCG rule for a safety zone at Pier 66 in Seattle, Washington. (Case Number 2010FOIA3418).
- On September 8, 2010, **Emily Willard**, a representative of *The National Security Archive* in Washington, D.C., requested from the Department of Homeland Security (DHS) records pertaining the discovery of 72 foreign migrants found murdered in a mass grave at a Ranch near San Fernando in Tamavlipas state, Mexico on August 25, 2010, to include any information regarding an investigation into this incident from Aug. 18, 2010 to the present. (Case Number DHS/OS/PRIV 10-1055).
- On September 8, 2010, **Kim Zetter**, a reporter with *Wired* in San Francisco, requested from the Department of Homeland Security (DHS) records pertaining to a malware infection that struck U.S. Central Command computer networks in 2008. (Case Number DHS/OS/PRIV 10-1054).
- On September 9, 2010, **Laura Crimaldi**, a reporter with the *Boston Herald* in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) any electronic or paper correspondence received or sent by ICE to the officials at the Suffolk County Sheriff's Department between July 1, 2010 and August 30, 2010. (Case Number 2010FOIA8523).
- On September 9, 2010, **Christine Haas**, a journalist with *KHOU TV* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the following records relating to the hormone replacement medications provided to transgendered inmates: 1) The rules as to how it is determined whether an inmate is eligible for hormone replacement drugs; 2) The amount of money that is spent each year in hormone replacement drugs for 2006, 2007, 2008, 2009 and 2010; 3) A list of the types of drugs and names of drugs provided to transgendered inmates; 4) A list of the number of transgendered inmates who have received mammograms; 5) A list of the number of transgender inmates who are eligible for hormone replacement nationally and Texas; 6) A list and all information pertaining to requests made by inmates for sex change surgeries, hair removal, tattooing, etc.; 7) The number of other inmates who receive hormone therapy for non-transgendered issues; and 8) Documents pertaining to any/all legal cases pending involving a transgendered inmate. (Case Number 2010FOIA8521).
- On September 9, 2010, **Joe Hayes**, a representative of **Public Policy Institute of California** in San Francisco, California, requested from the Department of Homeland Security (DHS) records pertaining to approved petitions for nonimmigrant workers, specifically the administrative data, collected from completed Forms 1-129, "Petition for a Nonimmigrant Worker,/1 and summarized in INS and USCIS reports entitled "Characteristics of Specialty Occupation Workers (H-1B)." (Case Number DHS/OS/PRIV 10-1067).

- On September 2, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested United States Citizenship and Immigration Services (USCIS) a copy of the August 2010 FOIA log. Request was closed as this information is publicly available and can be found on the USCIS website, and is updated monthly. (Case Number COW2010000353).
- On September 9, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested from the Department of Homeland Security (DHS) and the Federal Law Enforcement Training Center (FLETC) the following records: 1) A copy of all FOIA requests that were sent to our agency where the request aroused the suspicion of the person or agency who received that FOIA request and the request was provided to an investigator or investigative agency (or they were consulted), not for response, but for investigation into the person requesting the records to determine if the request was for criminal purposes; and 2) Copies of any policy documents or internal communication describing when a FOIA request should be referred to an investigator or an investigative agency. (Case Number DHS/OS/PRIV 10-1061, FOIA 10-139).

#### Late Entries

- On July 19, 2010, **Robert Deasy**, Director of Liaison and Information at the **American Immigration Lawyers Association (AILA)** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) information regarding the Extraordinary Ability Immigrant Program. (Case Number COW2010000356).
- On September 2, 2010, **Stokely Baksh**, a multimedia-investigative journalist with **Deportation Nation** in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) A list of individuals identified under the Secure Communities Program on whom ICE placed a detainer between fiscal year 2007 and the present; 2) All communication between ICE and/or members of Congress regarding the Secure Communities and 287(g) program; 3) All correspondence between ICE and the following jurisdictions related to the Secure Communities Program: El Paso County, Texas, San Francisco County, California, Washington State, Washington, D.C., New York County, New York, Maricopa County, Arizona, and Prince William County, Virginia; 4) A list of all contracts associated with technology used for the Secure Communities Program; and 5) Information about immigration enforcement operations at the Law Enforcement Support Center in Williston, Vermont, including the number of immigration status check queries responded to and the number of employees working on immigration enforcement related-queries. (Case Number 2010FOIA8385).

### **III. Previously Unreported Requests (Classified TSA FOIA Requests)**



- On October 1, 2009, the Department of State (DOS) referred to the Transportation Security Administration (TSA) documents responsive to a 2006 request from **Barbara Elias**, Freedom of Information Coordinator with *The National Security Archive* in Washington, D.C., seeking all documents created between January 1, 1985 and January 1, 2006, including reports, intelligence summaries, INR reports, photos, cables, biographical documents, sketches, profiles and biographic reports related to the 9/11 hijackers. (Case Number TSA10-0811).
- On January 12, 2010, the Department of State (DOS) referred to the Transportation Security Administration (TSA) documents responsive to a November 10, 2007, request from **John Berger**, a journalist with *Intelwire* in Boston, Massachusetts, seeking all documents referring to terrorists' activity in the Philippines. (Case Number TSA10-0812).

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Releases

- On September 2, 2010, United States Citizenship and Immigration Services (USCIS) issued to **Scott Amey**, General Counsel and Senior Investigator with the **Project on Government Oversight (POGO)** in Washington, D.C., a no records determination in response to his request for copies of all ethics waivers and recusal agreements/records issued by the U.S. Department of Homeland Security from January 1, 2009 to the present. (Case Number COW2010000324).
- On September 2, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Juan Carlos Rodriguez**, a journalist with the *Albuquerque Journal* in Albuquerque, New Mexico, an Excel spreadsheet containing information relating to the number of people upon whom U.S. Immigration and Customs Enforcement has placed immigration holds, or detainers, at the Bernalillo County Metropolitan Detention Center and Albuquerque Prisoner Transport Center from July 2009 to July 2010 on a month by month basis. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6), and (b)(7)(C). (Case Number 2010FOIA7898).
- On September 3, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Justin Blum**, a reporter with the *Bloomberg News* in Washington, D.C., 85 pages of documents pertaining to criminal case #03-cr-00123-JCC-1. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2010FOIA7953).
- On September 3, 2010, United States Citizenship and Immigration Services (USCIS) released to **E.J. Graff**, Associate Director and Senior Researcher with *The Schuster Institute for Investigative Journalism* in Waltham, Massachusetts, 15 pages of documents pertaining to the adoption of Ethiopian children to American parents. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number COW2010000007).

- On September 7, 2010, the Department of Homeland Security (DHS) Office of Policy released to **Brennan Bilberry**, an individual in Washington, D.C., 7 pages of documents from requested DHS workflow communications. These records were released in full.
- On September 7, 2010, U.S. Immigration and Customs Enforcement (ICE) issued to **Michael Ferraresi**, a reporter with *The Arizona Republic* in Phoenix, Arizona, a no records determination in response to his request for a breakdown by law enforcement agency of the total number of material witness forms issued to undocumented aliens in Arizona criminal cases from 2007 to the present. (Case Number 2010FOIA5192).
- On September 7, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **David Shapiro**, an attorney with the American Civil Liberties Union National Prison Project in Washington, D.C., the ninth supplemental response consisting of e-mail correspondence, medical records, and OPR investigations pertaining to the following individuals: 1) Juan Baires (Date of Death 11/12/2008); 2) Sergio Jimenez-Rojas (Date of Death 2/7/2009); 3) Jose Alvarez-Gomez (DOD 12/27/2008); 4) Nail Yoursef Dawood (DOD 7/21/2008); 5) Pedro Gumayagay (DOD 1/29/2008); 6) Valery Josph (DOD 6/20/2008); 7) Roberto Martinez Medina (DOD 3/11/2009); and 8) Ruben Sandoval (DOD 9/30/2009). Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On September 8, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Jacques Billeaud**, a reporter from *The Associated Press* in Phoenix, Arizona, 34 pages of documents pertaining to their request for copies of records and information regarding the amount of marijuana, cocaine, heroin, and methamphetamines seized by all ICE offices during FY2007, FY2008, and FY2009. These records were released in full.
- On September 8, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Emily Carey**, an attorney from the **American Civil Liberties Union** in Las Cruces, New Mexico, 2,771 pages of documents that originated from the ICE ERO, OAM, OPR, OPP, and CFO relating to her request for sixteen categories of records and information pertaining to the Otero County Processing Center in Chaparral, New Mexico; specifically: copies of contracts and agreements, copies of facility inspections and reviews, records related to medical care and treatment, records related to deaths at the facility, and reports. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(4), (b)(6), (b)(7)(A), and 7(C). (Case Number 2010FOIA4671).
- On September 8, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Alicia Caldwell**, a reporter with *The Associated Press* in El Paso, Texas, 4,598 pages of documents pertaining to her request seeking copies of substantiated ICE Office of Professional Responsibility cases regarding allegations of misconduct filed by ICE employees against other ICE employees between 2006 and 2009. Portions of this response were withheld pursuant to FOIA Exemption (b)(2)(high), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E).



- On September 8, 2010, the United States Coast Guard (USCG) released to **Darcy Bolger**, with Lexis Nexis in Bellevue, Washington, 63 pages of claims and final determinations memoranda. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On September 9, 2010, the United States Coast Guard (USCG) released to **Russ Buettner**, a journalist with *The New York Times* in New York, New York, 17 pages of inspections and certificates of inspections. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On September 9, 2010, the United States Coast Guard (USCG) released to **David Caruso**, a reporter with the Associated Press in New York, New York, 20 pages of inspections and certificates of inspections. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On September 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Renee Dudley**, a reporter from the *Boston Herald* in Boston, Massachusetts, records regarding their request seeking information about enforcement operations in the State of Massachusetts; specifically, the number of arrests and deportations. In addition, Dudley requested information about the Secure Communities Program and deployment in Massachusetts. These records were released in full.
- On September 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Ginnie Graham**, a reporter from *The Tulsa World* in Tulsa, Oklahoma, 6 pages of documents and one spreadsheet relating to her request for copies of records and information about ICE Fugitive Operations Teams. Portions of this response were withheld pursuant to FOIA Exemption (b)(2)(high), (b)(6), (b)(7)(C), and (b)(7)(E).
- On September 9, 2010, the Office of Inspector General (OIG) released to **Maria LaHood**, an attorney at the **Center for Constitutional Rights** in New York, New York, 109 pages of documents relating to OIG's inspection report and addendum to the report #OIG-08-18, entitled "The Removal of a Canadian Citizen to Syria." Portions of this response were withheld pursuant to FOIA Exemption (b)(1), (b)(2)(high), (b)(5), and (b)(6). Please note that this release was not uploaded to SharePoint as OIG previously provided PRIV with a copy of its release. (OIG FOIA #2009-160).
- On September 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Sarah Mehta**, an attorney from **Human Rights Watch** in New York, New York, records relating to their request seeking copies of records regarding ICE detainee mental healthcare; specifically: 1) Locations of facilities that provide mental healthcare; 2) Training materials; and 3) policies and procedures related to mental health care. These records were released in full.
- On September 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Harini Raghupathi**, an attorney with the **American Civil Liberties Union** in San Francisco, California, 161 pages of documents pertaining to their request related to an enforcement action at an Omaha, Nebraska McDonald's restaurant at 2410 Cuming Street on April 2, 2010; specifically, copies of I-213 forms, warrants, lists, operation plans, and

communications. Portions of this response were withheld pursuant to FOIA Exemption (b)(6) and (b)(7)(C).

- On September 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Lee Rood**, an investigative reporter with *The Des Moines Register* in Des Moines, Iowa, records include a spreadsheet listing individuals arrested by FugOps teams in FY2009 and FY2008, a chart showing FY09 ERO field office budgets, and two ICE policies: (1) “Resources Available for Effective Management of DRO Funded Bed Space”, and (2) “National Fugitive Operations Program: Priorities, Goals, and Expectations.” These pages were withheld in full pursuant to FOIA Exemptions (b)(2)(high), (b)(6), (b)(7)(C), and (b)(7)(E).
- On September 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Marisa Taylor**, a reporter with *McClatchy Newspapers* in Washington, D.C., 6,486 pages of documents relating to her request seeking copies of documents that identify the companies and the individuals associated with those companies that have been debarred and/or fined, sanctioned, or otherwise penalized for employing undocumented immigrants each year between 2006 and 2010. Portions of this response were withheld pursuant to FOIA Exemption (b)(6) and (b)(7)(C).

## VI. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), Plaintiff filed a complaint April 27, 2010, claiming constructive denial with pertaining to their request for records relating to the Secure Communities program (ICE FOIA 10-2674), and that ICE improperly denied their fee waiver and expedited processing requests. ICE Released 926 pages of records noted on Plaintiffs’ “Rapid Production List” on July 30, 2010, OPLA processed an additional 791 pages for the second response, which was sent to the Plaintiffs on September 7 and 9, 2010.
- In the matter of *Osama Abdelfattah vs. United States Citizenship and Immigration Services (USCIS), National Records Center*, (10-830-GAF), Plaintiff filed a complaint August 26, 2010, claiming constructive denial pertaining to his request seeking copies of all records in his A-file.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of September 10 - 16, 2010

### Privacy Office

September 20, 2010

### Weekly FOIA Report

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

- On September 9, 2010, USCIS provided guidance to the public through [www.uscis.gov](http://www.uscis.gov) on how the invalidation of all certified copies of Puerto Rican birth certificates issued prior to July 1, 2010, will impact the Employment Eligibility Verification (Form I-9) process. This guidance addresses the issue from the point of view of new employees, existing employees, and federal contractors.
- On September 13, 2010, USCIS used [www.uscis.gov](http://www.uscis.gov) to reach out to Salvadorans who are eligible to re-register for Temporary Protected Status but have not yet filed their applications to remind them do so following the late re-registration guidance. This guidance applies to the 18-month extension of TPS for nationals of El Salvador that will remain in effect through March 9, 2012.

#### II. FOIA Requests

- On September 13, 2010, **Adam Baylor**, a reporter in Seattle, Washington, requested from the United States Coast Guard (USCG) a copy of the JIC Organizational Charts. (Case Number 2010FOIA3477).
- On September 15, 2010, **Dan Berman**, a reporter with *Politico* in Arlington, Virginia, requested from the United States Coast Guard (USCG) the following records: 1) Copies of the contracts with (b) (6) of New Orleans, Louisiana, to monitor media coverage of the Gulf of Mexico oil spill in Summer 2010; 2) Any reports submitted by (b) (6) to the USCG; and 3) Any emails, memoranda or other documents from USCG officials related to the reports filed by (b) (6). (Case Number 2010FOIA3502).
- On September 10, 2010, **Jason Fisher**, National Field Representative with the **National Treasury Employees Union (NTEU)** in Denver, Colorado, requested from the Transportation Security Administration (TSA) the following records: 1) OSHA Form 300 log entries, Log of Work-Related Injuries and Illnesses; all entries pertaining to the TSA facility at OMA (Omaha Eppley Airfield) from January 1, 2005, to the date this FOIA request is filled; and 2) OSHA Forms 300A, Summary of Work-Related Injuries and Illnesses; all status reports and summary reports and any other Form 300A reports for the TSA facility at OMA (Omaha Eppley Airfield) from January 1, 2005, to the date this FOIA request is filled. (Case Number TSA10-0819).
- On September 10, 2010, **Lindsay Piccotti**, a reporter with *Your News Now* in Syracuse, New York, requested from the United States Coast



Guard (USCG) a copy of records pertaining to a boat crash into a breakwater in Oswego, New York, on August 28, 2010, that injured three people. (Case Number 2010FOIA3448).

- On September 12, 2010, **Jason Smathers**, a blogger for *Witness Unto Me* in Topock, Arizona, requested from U.S. Customs and Border Protection (CBP) all records concerning or mentioning Leonard Ravenhill (1907-1994) who was born in Leeds, Yorkshire, England and interred at Garden Valley Cemetery in Garden Valley, Texas. (Case Number CBP FOIA #2010F17258).
- On September 13, 2010, **Jason Smathers**, a blogger for *Witness Unto Me* in Topock, Arizona, requested from the Department of Homeland Security (DHS) all records concerning the methods of communication of the Secretary of Homeland Security. (Case Number DHS/OS/PRIV 10-1070).
- On September 13, 2010, **Amrit Singh**, the senior legal officer for National Security and Counterterrorism at the **Open Society Justice Initiative** in New York, New York, requested from the Department of Homeland Security (DHS) the following records: 1) All records relating to post-September 11, 2001 investigations, reports, reviews, studies, evaluations or assessments by the Central Intelligence Agency or its subparts, including the Office of the Inspector General, regarding extra-judicial transfers, including all records collected for or referenced in any such investigations, reports, reviews, studies, evaluations or assessments; 2) All records relating to all other post-September 11, 2001 investigations, reports, reviews, studies, evaluations or assessments regarding extra-judicial transfers (this includes but is not limited to, a complete unredacted version of the DHS Security Office of Inspector General report on the removal of a Canadian Citizen to Syria; and 3) The final report of the Special Task Force on Interrogation and Transfer Policies set up pursuant to Executive Order 13491. (Case Number DHS/OS/PRIV 10-1071).
- On September 14, 2010, **Steve Emerson**, a representative of **SAE Productions** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) Dar Ehya Essunnah located in Brooklyn, New York; 2) Masjid Annur, Sacramento located in Sacramento, California; 3) Noor Al-Islam of San Francisco, California; 4) El Tawheed Islamic Center located in Jersey City, New Jersey; 5) Islamic Cultural Center of Tempe, Arizona; 6) ICNA Center located in Alexandria, Virginia; 7) Islamic Center of Springfield, Missouri; 8) The Mosque of the Martyr Izzedine Al-Qassam (Chicago Islamic Center) of Chicago, Illinois; 9) Dar al-Arqam Islamic Center located in Falls Church, Virginia; 10) Abubakar as-Sadique Islamic Center located Minneapolis, Minnesota; 11) United Muslim Mosque of Waterbury, Connecticut; 12) Islamic Society of Orange County (ISOC) of Garden Grove, California; 13) Rabat Mosque of San Diego, California; 14) Islamic Center of Boca Raton (ICBR), Florida; 15) Islamic Center of Portland -Masjid As Sabr located in Portland, Oregon; 16) AL-Salam Mosque located in Jersey City, New Jersey; 17) Bloomington Mosque located in Bloomington, Illinois;

18) Islamic Center of Cleveland, Ohio; 19) Dar-Us-Salaam Mosque located in Seattle, Washington; (20) Islamic Center of San Diego, California; 21) Dar Uloom Institute of Pembroke Pines, Florida; 22) Masjid Al-Islam, Oakland of Oakland, California; 23) Masjid At-Taqwa located in Brooklyn, New York; 24) Selimiye Mosque located in Methuen, Massachusetts; 25) Dix Mosque, Dearborn located in Dearborn, Michigan; 26) Islamic Center of Passaic County of Paterson, New Jersey; 27) Dar al-Hijra Mosque located in Falls Church, Virginia; 28) Islamic Institute of Orange County (HOC), Masjid Omar Al Farouk located in Anaheim, California; 29) The Islamic Cultural Center located in New York, New York; (30) Masjid Alexandria Carpet of Rome, Georgia; 31) Masjid al-Islam of Washington, D.C.; 32) Masjid Al-Haqq located in Detroit, Michigan; 33) Lackawanna Mosque located in Buffalo, New York; 34) Masjid As-Salam located in Albany, New York; 35) Islamic Center of Tucson located in Tucson, Arizona; 36) Al Farouq Mosque located in Brooklyn, New York; 37) Islamic Center of Greater Kansas City, Missouri; 38) Islamic Center of Jersey City, New Jersey; and 39) Islamic Community of Tampa, Inc. / Al Qassam Mosque of Tampa, Florida. (Case Number 2010FOIA8634).

- On September 15, 2010, **Jason Smathers**, a blogger for *Witness Unto Me* in Topock, Arizona, requested from United States Citizenship and Immigration Services (USCIS) a copy of all records on, about or concerning Barack Hussein Obama, Sr. (Case Number HQS2010000119).
- On August 31, 2010, **Laura Rotolo**, Staff Attorney with the **American Civil Liberties Union of Massachusetts (ACLU)** in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) the following records: 1) Policies, procedures and training materials for screening passengers who opt out of Whole Body Imaging/Backscatter Full Body Scanner; and 2) Policies, procedures and training materials for pat-down screening in general, including enhanced pat-down. (Case Number TSA10-0825).
- On September 15, 2010, **Laura Rotolo**, a staff attorney with the **American Civil Liberties Union of Massachusetts** in Boston Massachusetts, requested from the United States Secret Service (USSS) the following records: 1) Any records containing (b) (6), from January 1, 1990 to the present; 2) Any records pertaining to or describing the incident on August 25, 2004, regarding the burning of a military vehicle at 5430 Tyler Street, Hollywood, Florida; 3) Any records pertaining to or describing (b) (6) automobile or travel; and 4) Any records pertaining to or describing (b) (6) antiwar activities. (Case Number USSS 09-15-2010).
- On September 15, 2010, **Jeff Stachewicz**, Counsel, **FOIA Group** in Depew, New York, requested from the Department of Homeland Security (DHS) all data contained in the FAPIIS database pertaining to DHS. (Case Number DHS/OS/PRIV 10-1078).



- On September 15, 2010, **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, D.C., requested from the Department of Homeland Security (DHS) a list of all of the department's political appointees (Schedule C). (Case Number DHS/OS/PRIV 10-1072).

#### Late Entries

- On June 11, 2010, **John Verdi**, the Director of **Electronic Privacy Information Center (EPIC) Open Government Project**, in Washington D.C., requested from the Office for Civil Rights and Civil Liberties (CRCL) all documents used by the Department of Homeland Security (DHS) to train fusion center privacy officers to include all correspondence and communications between DHS and fusion centers regarding the receipt, use, or implementation of training and evaluation documents. (Case Number 10-009 EPIC).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On September 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Jacques Billeaud**, a reporter from *The Associated Press* in Phoenix, Arizona, 34 pages of documents pertaining to her request seeking copies of records and information regarding the amount of marijuana, cocaine, heroin, and methamphetamines seized by all ICE offices during FY07, FY08, and FY09. These records were released in full. (Case Number 2010FOIA5527).
- On September 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Alicia Caldwell**, a reporter with *The Associated Press* in El Paso, Texas, 4,598 pages of documents pertaining to her request seeking copies of substantiated ICE Office of Professional Responsibility cases regarding allegations of misconduct filed by ICE employees against other ICE employees between 2006 and 2009. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2010FOIA262).
- On September 10, 2010, U.S. Immigration and Customs Enforcement (ICE) issued to **Sergio Chapa**, a reporter from **KGBT-TV** in Harlingen, Texas, a no records determination in response to his request seeking copies of radar images or video animations of Mexican Military helicopter incursions into and out of the United States on or about March 9, 2010 and March 28, 2010. (Case Number 2010FOIA3700).
- On September 10, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Renee Dudley**, a reporter from the *Boston Herald* in Boston, Massachusetts, an Excel spreadsheet pertaining to her request seeking information about enforcement operations in the State of Massachusetts, specifically: 1) The number of arrests and deportations; and 2) Information

about the Secure Communities Program and deployment in Massachusetts. These records were released in full. (Case Number 2010FOIA4110).

- On September 10, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Ginnie Graham**, a reporter from *The Tulsa World* in Tulsa, Oklahoma, 6 pages of documents and one spreadsheet pertaining to her request seeking records and information about ICE Fugitive Operations Teams, specifically: 1) Information about individuals arrested by ICE Fugitive Operations Teams (FugOps); 2) The number of FugOps Agents; 3) The number and location of FugOps teams; and 4) funding information, and apprehension priorities. Portions of the spreadsheet were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). The number and location of ICE FugOps teams were withheld pursuant to FOIA Exemptions (b)(2)(high) and 7(E). The December 8, 2009 memorandum, "National Fugitive Operations Program: Priorities, Goals, and Expectations" was released in full. (Case Number 2010FOIA5522)
- On September 10, 2010, U.S. Customs and Border Protection (CBP) released to **Melissa Klein**, a reporter for *The New York Post*, 8 pages of records responsive to her request seeking copies of correspondence between U.S. Representative Gregory Meeks and DHS. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(6), and (b)(7)(C).
- On September 10, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Sarah Mehta**, an attorney from **Human Rights Watch** in New York, New York, 306 pages of documents pertaining to her request seeking copies of records regarding ICE detainee mental health care, specifically: 1) Locations of facilities that provide mental health care; 2) Training materials; and 3) Policies and procedures related to mental health care. These records were released in full. (Case Number 2010FOIA1489).
- On September 10, 2010, U.S. Immigration and Customs Enforcement (ICE) issued to **Rachel O'Oro**, a reporter with *The Associated Press* in Anchorage, Alaska, a no records determination in response to her request seeking the following: 1) The number of undocumented workers hired by military contractors who were apprehended at security gates of U.S. military installations; 2) The number of security breaches committed by those individuals; 3) The names of the installations and the nationalities of those apprehended; and 4) Information about each of the security breaches. (Case Number 2010FOIA4681).
- On September 10, 2010, U.S. Immigration and Customs Enforcement (ICE) issued to **Antonio Olivo**, a reporter with the *Chicago Tribune* in Chicago, Illinois, a full withholding determination in response to his request seeking all criminal and administrative arrests resulting from ICE's Operation Community Shield. These records were withheld in full pursuant to FOIA Exemptions (b)(2)(high) and (b)(7)(E). (Case Number 2010FOIA4902).
- On September 10, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Harini Raghupathi**, an attorney from the **American Civil Liberties Union** in San Francisco, California, 161 pages of documents pertaining to their request seeking information related to an enforcement



action at an Omaha, Nebraska McDonald's restaurant at 2410 Cuming Street on April 2, 2010, specifically: Copies of I-213 forms, warrants, lists, operation plans, and communications. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA5072).

- On September 10, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Lee Rood**, an investigative reporter with *The Des Moines Register* in Des Moines, Iowa, 9 pages and one Excel file pertaining to his request seeking information about individuals arrested by fugitive operations teams in Iowa and the surrounding Midwest states, specifically: 1) Details about each individual arrested; 2) Fugitive operations budget information; and 3) Policies related to detention and apprehension priorities or protocols. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2010FOIA3236).
- On September 10, 2010, the Office of Inspector General (OIG) released to **G.W. Schulz**, an investigative reporter with the **Center for Constitutional Rights** in Austin, Texas, 3 pages of records pertaining to their request for a list of the 23 terminated DHS contracts not reviewed for a suspension/debarment referral and which describe the circumstances of termination. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(A). (Case Number OIG FOIA #2010-089).
- On September 10, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Marisa Taylor**, a reporter from **McClatchy Newspapers** in Washington, D.C., 6,486 pages of documents pertaining to her request seeking the following records: 1) Copies of documents that identify the companies and the individuals associated with those companies that have been debarred and/or fined, sanctioned, or otherwise penalized for employing undocumented immigrants each year between 2006 and 2010; 2) Documents that list the locations of these enforcement actions and the reason for the enforcement action; and 3) Memorandums, letters, e-mails, and any other correspondence regarding these actions. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA4202).
- On September 13, 2010, the Department of Homeland Security (DHS) released to **Rachel Gozhansky**, a clerk with **Electronic Privacy Information Center (EPIC)** in Washington, D.C., 428 pages of documents relating to facial recognition systems in response to a request for the following: 1) The DHS's report in response to Homeland Security Presidential Directive 24, 2) All agreements between DHS and any other entity, dated between June 5, 2009 and present, concerning facial recognition systems, 3) All procurement specifications dated between June 5, 2009 and present concerning facial recognition systems, and 4) All reports dated between June 5, 2009 and present concerning facial recognition systems. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(2)(high), and (b)(5).
- On September 13, 2010, the United States Coast Guard (USCG) issued to **Roger Lohse**, a reporter with *WPLG-TV* in Pembroke Park, Florida, a no

records determination pertaining to his request seeking copies of records in which the USCG allowed S/V SUMMERWIND to enter Cuban waters in May 2007.

- On September 13, 2010, the United States Coast Guard (USCG) issued to **Kelly Sanford**, a contributing writer with *Boat International Media* in Fort Lauderdale, Florida, a no records determination pertaining to her request seeking copies of all documents and electronic data related to the incident involving the vessel PRINCESS GIGI.
- On September 13, 2010, the Department of Homeland Security (DHS) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, D.C., seven pages of communications between the U.S. Coast Guard (USCG) and the DHS Office of the General Counsel (OGC) concerning the decision to declare the BP oil spill a “spill of national significance.” Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).
- On September 13, 2010, the United States Coast Guard (USCG) released to Patrick Terpstra, a reporter with WVEC-TV 13 News in Norfolk, Virginia, 122 pages of documents pertaining to their request seeking records related to the response and removal of the LA PRINCESSA barge from November 2009. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On September 13, 2010, the Department of Homeland Security (DHS) released to **Randy Tyler**, a Legal Fellow with the **American Civil Liberties Union of Washington** in Seattle, Washington, 26 pages of incident reports and policy documents in response to a request for an expansive list of records relating to law enforcement and surveillance activities concerning “expressive activity” in the State of Washington. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6), (b)(7)(C), and (b)(7)(E).
- On September 14, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 7 pages of documents pertaining to his request seeking copies of DHS reports to Congress between January 1, 2008 and the present; specifically from the Office of the Secretary, the Science and Technology Directorate, National Protection and Programs Directorate, Management Directorate, and the Domestic Nuclear Protection Office within DHS. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA5931).
- On September 14, 2010, U.S. Immigration and Customs Enforcement (ICE) informed **Don Sevrems**, an editorial writer with the *San Diego Union-Tribune* in San Diego, California, that they were unable to locate any responsive records pertaining to ICE’s cooperation with the Escondido Police Department; specifically, the memorandum of understanding between ICE and Escondido and the names of ICE agents. However, ICE was able to identify the names of the ICE law enforcement officers. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA5152).



- On September 15, 2010, the Department of Homeland Security (DHS) released to **John Cook**, an individual in Brooklyn, New York, 177 pages of correspondence in response to his request for copies of all requests submitted under the FOIA to DHS by *The New York Times* or *The Associated Press*, or persons claiming to represent or work for *The New York Times* or *The Associated Press*, between January 1, 2005 and January 13, 2010. This request was later narrowed to be for correspondence maintained within the electronic tracking system from 2007 to present and handled by DHS Headquarters. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On September 15, 2010, the Department of Homeland Security (DHS) released to **Robert O'Harrow**, a reporter with *The Washington Post* in Washington, D.C., 617 pages of reports and contract records in response to a request for documents relating to the Advance Spectroscopy Portals (ASP) Program. Portions of this response were withheld pursuant to FOIA Exemptions (b)(1), (b)(2)(high), (b)(3), (b)(4), (b)(5), and (b)(6).
- On September 15, 2010, the Department of Homeland Security (DHS) released to **Jason Smathers**, a blogger for *Witnesses Unto Me* in Topock, Arizona, 12 pages of records pertaining to his request seeking FOIA requests received in August 2010. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On September 15, 2010, the Department of Homeland Security (DHS) released to **Ian Urbinia**, a reporter with *The New York Times* in New York, New York, 103 pages of records pertaining to his request for copies of FOIA logs from June 1, 2010 to August 1, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(4), and (b)(6).
- On September 16, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Johanna Miller**, an attorney from the **New York Civil Liberties Union** in New York, New York, 1,118 pages of records relating to her request seeking copies of documents pertaining to memorandum of agreement between ICE and the State of New York for the implementation of the Secure Communities Program and the 287(g) program. Portions of this response were withheld pursuant to FOIA Exemption (b)(2)(high), (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2010FOIA537).
- On September 16, 2010, U.S. Customs and Border Protection (CBP) released to **Lena Masri**, a Staff Attorney with the **Council on American-Islamic Relations (CAIR) Michigan Chapter** in Southfield, Michigan, 6 pages of records pertaining to their request for the following: 1) Video and audio surveillance footage of all searches of persons conducted at the Ambassador Bridge Passenger Facility on May 25, 2010 from 3pm to 7pm; and 2) The names of all employees that conducted searches at the aforementioned time and facility. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(6), (b)(7)(C), and (b)(7)(E).
- On September 17, 2010, the Department of Homeland Security (DHS) released to **Emily Carey**, a program coordinator with the **American Civil Liberties Union of New Mexico (ACLU-New Mexico)** in Albuquerque, New

Mexico, 15 pages of records in response to a request for the following: 1) Documents regarding the policies and procedures for CBP apprehension of immigrants; 2) Policies and procedures for processing and custody of individuals under CBP; 3) Policies and procedures regarding repatriation of individuals from CBP custody; and 4) Grievance policy and procedures. These records were released in full.

**V. Lawsuits**

- In the matter of *American Small Business League v. Department of Homeland Security*, (cv-10-4138), The Plaintiffs filed a complaint on September 15, 2010, claiming that DHS wrongfully withheld the documents requested.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of September 17 - 23, 2010

### Privacy Office

September 27, 2010

### Weekly FOIA Report

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

- On September 17, 2010, United States Citizenship and Immigration Services (USCIS) published a fact sheet about the [naturalization process](#) on its [public website](#) in an effort to increase transparency and provide answers to frequently asked questions. The fact sheet includes information about general eligibility requirements and exceptions to these requirements (such as for members of the military, spouses, and children), as well as naturalization statistics.
- On September 17, 2010, United States Citizenship and Immigration Services (USCIS) published a fact sheet on [Immigration Integration Initiatives](#) on its [public website](#) in an effort to increase transparency and provide answers to frequently asked questions. These initiatives were funded by Congress under the Fiscal Year 2010 Department of Homeland Security Appropriations Act and include an expanded Citizenship and Integration Grant program to support citizenship education and preparation programs for Lawful Permanent Residents, improved web-based resources to help immigrants, educators, and immigrant-serving organizations, and a national public awareness and education initiatives to emphasize the rights, responsibilities, and importance of U.S. citizenship.
- On September 23, 2010, U.S. Immigration and Customs Enforcement (ICE) proactively posted to its FOIA Electronic Reading Room the Secure Communities Nationwide Interoperability Statistics for August 2010, and 14 contracts relating to the Intense Supervision Appearance Program (ISAP) and the Otay Mesa Detention Facility.
- On September 20, 2010, United States Citizenship and Immigration Services (USCIS) posted on its [public website](#) the following three (3) draft and interim policy memoranda: 1) [Revocation of VAWA-Based Self-Petitions \(Forms I-360\) \(AFM Update AD10-49\) DRAFT](#); 2) [Revisions to Adjudicator's Field Manual \(AFM\) Chapter 22.3 \(AFM Update AD10-04\): Special Immigrant Visas under Section 602\(b\) of the Afghan Allies Protection Act of 2009 INTERIM](#); and 3) [Validity of Puerto Rico Birth Certificates as Evidence \(AFM Update AD10-43\)](#) on its [public website](#) for internal and external feedback. Comments for all three documents are due by October 4, 2010.

#### II. FOIA Requests

- On September 21, 2010, **Helen Sok**, a representative of **Soil/Water/Air Protection Enterprise** in Santa Monica, California, requested from the United States Coast Guard (USCG) the following records: 1) Copies of



reports or documents put forth by the USCG regarding the BP oil spill in the Gulf; and 2) Documents related to violations made by BP concerning the Deepwater Horizon platform over the past 30 years. (Case Number 2010FOIA3553).

- On September 23, 2010, the United States Coast Guard (USCG) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Mike Soraghan**, a reporter with **Greenwire/Environment & Energy Daily** in Washington, D.C., seeking the following records: 1) All "Jones Act" waiver requests to the USCG or other agencies for foreign vessels to operate in the Gulf of Mexico since April 20, 2010; 2) All communications and documents responding to such requests; and 3) All communications and records regarding the response of the USCG and other federal agencies to such requests. (Case Number DHS/OS/PRIV 10-1093).
- On September 17, 2010, **David Perera**, a journalist with **FierceGovernmentIT** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) a copy of phase one of the analysis of alternatives to the SBInet program. (Case number CBP FOIA 2010F17496).
- On September 17, 2010, **Emily Willard**, a representative of **The National Security Archive** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) information relating to the discovery of 72 migrants found in a mass grave at a Ranch in Tamaulipas, Mexico on August 25, 2010. (Case number COW2010000384).
- On September 18, 2010, **Dom Yanchunas**, a journalist with the **Professional Mariner** in Staten Island, New York, requested from the United States Coast Guard (USCG) documents concerning assistance-towing operators who were cited for violations during Operation Big Tow. (Case Number 2010FOIA3531).
- On September 20, 2010, **Constance Murphy**, a reporter with **KXAN News** in Austin, Texas, requested from the Transportation Security Administration (TSA) any incident reports regarding Austin-Bergstrom International Airport involving threats or confiscating items by TSA agents during the screening process. (Case Number TSA10-0846).
- On September 20, 2010, **Torstein Nymoen**, a journalist with **Haugesunds Avis** in Norway, requested from the United States Coast Guard (USCG) documents concerning the vessel NORMAND CLIPPER in an incident that occurred on July 2, 2010, in the Gulf of Mexico. (Case Number 2010FOIA3548).
- On September 21, 2010, **Paul Risenhoover**, Executive Director of the **Robin Hood International Human Rights legal Defense Fund** in Tainan City, Taiwan, requested from the Department of Homeland Security (DHS) and United States Citizenship and Immigration Services (USCIS) correspondence and supporting documents regarding T and H-2A visa holders. (Case Number DHS/OS/PRIV 10-1099 and COW2010000387).

- September 22, 2010, **Gregory Korte**, a staff writer with *USA Today* in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) copies of records held by CBP relating to the Recovery Act contract with Eyak Technology LLC of Dulles, Virginia, award number HSBP1008J23360. (Case number CBP FOIA 2010F17483).
- On September 23, 2010, the U.S. Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Jesse Franzblau**, a representative of *The National Security Archive* in Washington, D.C., seeking documents produced in response to the 2004 Memorandum of Understanding on bilateral immigration enforcement between the U.S. and Mexico. (Case Number DHS/OS/PRIV 10-1101).
- On September 24, 2010, **Steven Emerson**, President of *SAE Productions, Inc.* in Washington, D.C., requested from the Department of Homeland Security (DHS) records relating to a reported August 31 workshop and follow-up Iftar dinner, to include: 1) copies of any official reports, evaluations, correspondence, e-mails or memoranda related to the workshop and Iftar dinner, 2) a copy of the invitee list, including names and institutional affiliations of all individuals who were invited or attended the events, 3) copies of all audio and video tapes that DHS has related to the workshop and Iftar, and 4) the identity information of presenter personnel at the workshop.

#### Late Entries

- On September 10, 2010, **Brian Maass**, a reporter with *CBS4* in Denver, Colorado, requested from the Transportation Security Administration (TSA) copies of civil enforcement actions at Denver International Airport for 2008, 2009, and 2010 against individuals for the following: 1) Entering sterile area without submitting to screening; 2) Tampering or interfering with, compromising, modifying, attempting to circumvent, or causing a person to tamper or interfere with, compromise, modify or attempt to circumvent any security system, measure, or procedure; 3) Entering or being present within a secured area, AOA, SIDA, or sterile area without complying with the systems, measures, or procedures being applied to control access to, or presence or movement in, such areas; 4) Improper use of airport access medium; and 5) Fraud and intentional falsification. (Case Number TSA10-0828).
- On September 13, 2010, **Margaret Ebrahim**, a representative of *American University's Investigative Reporting Workshop* in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) a list of facilities that have been used by the Federal Government to detain illegal aliens. (Case Number 2010FOIA8747).
- On September 13, 2010, **Margaret Ebrahim**, a representative of *American University's Investigative Reporting Workshop* in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) access to any and all investigative and law enforcement databases within



ICE, regarding illegal immigrant detainees, specifically seeking the following information: 1) Alien identification number; 2) Sex; 3) Birthday; 4) Origin of country; 5) Type of detainee; 6) Reason for detainment; 7) Date of detainment; 8) Location they were arrested; 9) By whom they were detained by; 10) Method by which they were detained; 11) Criminal or civil charge incurred; 12) Prison time incurred; 13) All detention facilities they were detained in from arrest and time periods held in those facilities; 14) Total length of time detained; and 15) Final outcome. (Case Number 2010FOIA8748).

- On September 13, 2010, **Margaret Ebrahim**, a representative of *American University's Investigative Reporting Workshop* in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) annual amounts received in the federal contracts from ICE to facilities used for detention of illegal aliens between fiscal year 2008 and the present. (Case Number 2010FOIA8766).
- On September 15, 2010, **Jason Smathers**, a blogger for *Witness Unto Me* in Topock, Arizona, requested from United States Citizenship and Immigration Services (USCIS) a copy of all records on, about, or concerning Lolo Soetoro Mangunharjo (President Obama's stepfather). (Case number COW2010000383).
- On September 16, 2010, **Tom Roussey**, a reporter with *WBTV* in Charlotte, North Carolina, requested from the Transportation Security Administration (TSA) a copy of the video of an accident that happened on Charlotte-Douglas Airport property on August 30, 2010 involving two vehicles. (Case Number TSA10-0839).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On September 17, 2010, the Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the *Center for Investigative Reporting* in Berkeley, California, 452 pages of documents pertaining to his request seeking copies of all complaints received by OIG pertaining to use of force by all DHS employees from 2003 to the present. Portions of this response were withheld pursuant to FOIA exemptions (b)(2), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(E), and (b)(7)(F). (Case Number OIG FOIA #2010-154).
- On September 17, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Tegan Millspaw**, a representative of **Judicial Watch** in Washington, D.C., 11 pages of documents pertaining to her request seeking the following records: 1) The establishment of a Mexican Consular Office at the Catalina Island Country Club, California; and 2) All records concerning Mexican officials requesting ICE to not enforce U.S. immigration laws on Catalina Island. These records were released in full. (Case Number 010FOIA7897).

- On September 17, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Judy Rabinovitz**, an attorney from the **American Civil Liberties Union Immigrants' Rights Project** in New York, New York, 4 pages of documents and 4 Microsoft Excel spreadsheets pertaining to her response seeking copies of records related to U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) report number OIG-07-28 "Compliance with Detention Limits for Aliens with a Final Order of Removal from the United States"; specifically, records detailing the specific action ICE took to comply with the five recommendations issued by DHS OIG, and records detailing ICE's failure to implement any of the recommendations issued by DHS OIG. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), and (b)(7)(C). (Case Number 2010FOIA6716).
- On September 17, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Atlanta, Georgia, eight (8) pages of documents pertaining to his request seeking copies of a list of applicants in the State of Georgia to the 287(g) program to include a summary of the reasons the application was rejected. These records were released in full. (Case Number 2010FOIA8044).
- On September 17, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Sandra Roa**, a blogger for the *NYTimes* and the *NYCity News Service* in New York, New York, 733 pages of documents relating to her request seeking copies of complaints filed against the Eloy Federal Contract Facility since 2003, to include complaints of medical care or of the guards and administration. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6) and (b)(7)(C). (Case Number 2010FOIA799).
- On September 19, 2010, U.S. Immigration and Customs Enforcement (ICE) issued to **Brad Pollock**, an employee of the **Democratic Congressional Campaign Committee** in Washington, D.C., a no records determination in response to his request seeking copies of all records contained within the Worksite Enforcement Activity Record and Index (LYNX) system pertaining to Sandwich Variety, Inc. and/or Freedom Group, Inc. in Sandwich, Massachusetts. (Case Number 2010FOIA4997).
- On September 20, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Jefferson Robbins**, a reporter with *The Wenatchee World* in Wenatchee, Washington, three (3) pages of documents and a chart listing the number of individuals at various facilities relating to his response seeking the following: 1) A copy of ICE form I-247, Immigration Detainer; 2) A copy of ICE Form 203, Order to Detain; and 3) The total number of Form I-247s (or commensurate detainment forms) issued in each of the following years: 2005, 2006, 2007, 2008; to each of the following Washington State jails: Chelan County Regional Justice Center, Okanogan County Jail, and Grant County Jail. These records were released in full. (Case Number 2010FOIA5963).
- On September 21, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **David Schechter**, a reporter from *WFAA News* in Dallas, Texas, 194 pages of documents pertaining to his request seeking copies of written and electronic records received between January 1, 2008 and December 8,



2009, from any federal, state, or local law enforcement agency, group, or association raising concerns about the deportation or voluntary release of illegal aliens prior to adjudication. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number 2010FOIA3256).

- On September 22, 2010, the Department of Homeland Security (DHS) released to **Russell Carollo**, a Pulitzer-prize winning journalist in Pueblo, Colorado, 24 pages of records responsive to a request for records dating back two years concerning the following: 1) All correspondence, including (but not limited to) emails and memos, related in any way to services (paid or unpaid), counsel or advice provided by Google, its representatives, surrogates or subcontractors and/or discussions about the possibility to provide the same; 2) All FOIA requests related in any way to matters in item number 1 above; 3) All records of gifts, including (but not limited to) travel, provided by Google or its representatives, surrogates or subcontractors; and 4) All records related to (but not limited to) matters discussed in the attachment(s), including any more recent documents related in any way to these matter. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).
- On September 22, 2010, the Department of Homeland Security (DHS) released to **Katherine Gallagher**, Staff Attorney with the **Center for Constitutional Rights**, 49 pages of documents pertaining to her request seeking all records related to the May 31, 2010 Israeli military operations that occurred in international waters in the Mediterranean Sea involving a six-boat flotilla headed to Gaza with humanitarian supplies, including the U.S. registered 'Challenger I' and the Comoros-registered "Mavi Marmara" which was intercepted by the Israeli Defense Forces, resulting in the death of nine passengers on board the Mavi Marmara including one U.S. citizen and the injury of many more. Portions of this response were withheld pursuant to FOIA exemptions (b)(2) (high) and (b)(6). (Case Number DHS-OS-PRIV 10-0284 GALLAGHER).
- On September 23, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter from the **Houston Chronicle** in Houston, Texas, 126 pages and one (1) Microsoft Excel file pertaining to her request seeking copies of policies regarding the use of tasers, pepper spray, and five-point restraints by ICE Officers. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2010FOIA1215).
- On September 23, 2010, the Department of Homeland Security (DHS) released to **Nathan Mehrens**, counsel for **Americans for Limited Government (ALG)** in Fairfax, Virginia, 21 pages of email communications pertaining to his request seeking records concerning political involvement in the processing of ALG's previous FOIA request, assigned case number DHS/OS/PRIV 09-502, to include communications created by the following: (1) Non-career Senior Executive Service personnel, (2) Schedule C personnel, (3) Presidential Appointment personnel, and (4) Presidential Appointees

requiring confirmation by the U.S. Senate. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).

- On September 23, 2010, the Department of Homeland Security (DHS) released to **Todd Spangler**, Washington Correspondent with the ***Detroit Free Press*** in New York, New York, 45 pages of documents pertaining to his request seeking copies of Congressional correspondence identified to specific ECT workflow ID numbers. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On September 23, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Emily Willard**, an attorney from ***The National Security Archive*** in Washington, D.C., 12 pages of documents relating to her request seeking copies of documents related to the creation, policies, and operation of the Border Enforcement Security Task Force (BEST), and Operation Armas Cruzadas. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2010FOIA5149).
- On September 27, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Mark Fleming** and **Charles Roth**, attorneys from the **National Immigrant Justice Center** in Chicago, Illinois, nine (9) Microsoft excel files pertaining to their request seeking copies of records and data regarding the issuance of detainers and data from the Alien Criminal Response Information Management (ACRIME) database. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA4923).

## V. Lawsuits

- In the matter of *Calloway v. U.S. Department of Treasury, et al.*, (USDC DC 04-1506), Plaintiff's file a complaint on April 8, 2004 challenging the sufficiency of ICE's search. The case is on remand from the D.C. Circuit Court of Appeals relating to FOIA requests from 1998 and 2004 (1998-10765 and 2004-14537). Renewed Motion for Summary Judgment and declaration were filed on April 30, 2010. A supplemental release of approximately 200 pages was made to the Plaintiffs at that time. A supplemental declaration, stating the reasons why no records relating to the cost of the operation were produced and reiterated that the audio tapes Plaintiff is seeking are in the custody of the EOUSA and were obtained pursuant to a valid wiretap order, will be submitted on Monday, September 27, 2010.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of October 1 - 7, 2010

### Privacy Office

October 12, 2010

### Weekly FOIA Report

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

- On September 30, 2010, United States Citizenship and Immigration Services (USCIS) [announced](#) on its [public website](#) that certified copies of Puerto Rico birth certificates issued before July 1, 2010, which were previously set to expire on September 30, 2010, will now be valid through October 30, 2010. This extension affects determinations on eligibility for immigration benefits and employment eligibility. USCIS's interim policy memorandum regarding the validity of Puerto Rico birth certificates is available for comment on the [USCIS website](#); it will be revised to reflect the extension through October 30, 2010, and re-published at a later date.
- On October 5, 2010, United States Citizenship and Immigration Services (USCIS) [announced](#) on its [public website](#) that it will be inviting community stakeholders and the general public to open houses at its offices across the country to meet USCIS personnel, learn more about the agency's programs, and witness mock naturalization interviews. The effort is designed to enhance USCIS's presence in the community, strengthen its partnership with stakeholders, and enhance its efforts to be transparent. The offices will also feature local artwork from the USCIS National Children's Art Project, which invited children across the country to illustrate their personal interpretations of the project's theme, "We Are America." The series of open houses began on October 4 at the USCIS Field Office in Baltimore, Maryland. The schedule for the open houses, which will run through November 5, 2010, can be found on the [Open House](#) page on [www.uscis.gov](#).

#### II. FOIA Requests

- On October 1, 2010, **Michael Giglio**, a journalist with *Newsweek* in Brooklyn, New York, requested from United States Citizenship and Immigration Services (USCIS) a copy of the A-file belonging to (b)(6) (Case Number COW2010000425).
- On October 1, 2010, **Suzanne Gamboa**, a reporter with *The Associated Press* in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of records from the ENFORCE Alien Removal Module (EARM) used to create Table 4, "Leading Crime Categories of Criminal Aliens Removed Fiscal Year 2009" found on page 4 of the Department of Homeland Security (DHS) August 2010 report entitled "Immigration Enforcement Action 2009." (Case Number 2011FOIA1).
- On October 1, 2010, **Norman Oder**, representative of *Atlantic Yards Report* in Brooklyn, New York, requested from United States Citizenship



and Immigration Services (USCIS) the following records: 1) Information relating to the New York City Regional Center business plan; 2) Job creation analysis and multipliers; 3) Documents explaining how the state of New York designated "certain areas of high unemployment; and 4) Documents associated with Form I-526, filed by the immigrant investor to support the Atlantic Yards Project. (Case Number COW2010000432 and COW2010000433).

- On October 1, 2010, **Judy Rabinovitz**, Deputy Director of the **American Civil Liberties Union (ACLU) Immigrants' Rights Project** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of records related to nearly 6000 "prolonged immigration detainees" released from ICE custody after winning their removal cases. (Case Number 2011FOIA2).
- On October 1, 2010, **Judy Rabinovitz**, Deputy Director of the **American Civil Liberties Union (ACLU) Immigrants' Rights Project** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of records related to the Post-Order Custody Review Process. (Case Number 2011FOIA3).
- On October 1, 2010, **Nate Jones**, a representative of *The National Security Archive* in Washington, D.C., requested from the Department of Homeland Security (DHS) all documents related to "the several specific steps" that White House Chief of Staff Rahm Emanuel and White House Counsel to the President Bob Bauer instructed the agency to take in a March 16, 2010 memo to all agencies and department heads. (Case Number DHS/OS/PRIV 11-0020).
- On October 1, 2010, **Jason Smathers**, a blogger for *Witness Unto Me* in Topock, Arizona, requested from the Office of Intelligence and Analysis (I&A) copies of all regular reports between January 1, 2010 and the date this requested is processed, which concern the DHS priority "threat of radicalization and extremism." (Case Number 11-OIA-0001).
- On October 1, 2010, **Jason Smathers**, a blogger for *Witness Unto Me* in Topock, Arizona, requested from the Office of Intelligence and Analysis (I&A) a copy of the organizational structure of the section of DHS which handles the priority "threat of radicalization and extremism." (Case Number 11-OIA-0002).
- On October 1, 2010, **Jason Smathers**, a blogger for *Witness Unto Me* in Topock, Arizona, requested from the Office of Intelligence and Analysis (I&A) copies of a log, index, catalog or other record which lists some or all religions, religious organizations, sects, cults or ideologies which I&A has investigated, collected intelligence on, or otherwise maintains records on while carrying out the priority "threat of radicalization and extremism." (Case Number 11-OIA-0003).
- On October 2, 2010, **Paul Risenhoover**, Executive Director of the **Robin Hood International Human Rights Legal Defense Fund** in Tainan City, Taiwan, requested from the Department of Homeland Security (DHS) records relating to requests from any court clerk in the U.S., of any state,

federal or territorial court, including those of American Formosa, regarding nationality status. (Case Number DHS/OS/PRIV 11-0009).

- On October 4, 2010, **David Perera**, a journalist with *FierceGovernmentIT* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of documents written by the Government Accountability Office (GAO), transmitted to DHS in September 2010, for things DHS must do and with what sufficiency in order to get off the GAO high risk list. (Case Number DHS/OS/PRIV 11-0010).
- On October 4, 2010, **Rene Alvarado**, a representative of the **American Small Business League** in Petaluma, California, requested from the Department of Homeland Security (DHS) all records that mention Lloyd Chapman and or the American Small Business League, from DHS's Office of Intelligence and Analysis (I&A). (Case Number DHS/OS/PRIV 11-0014).
- On October 4, 2010, **Jason Smathers**, a blogger for *Witness Unto Me* in Topock, Arizona, requested from the Office of Intelligence and Analysis (I&A) copies of "the 10 most recent threat assessments made by the I&A." (Case Number 11-OIA-0004).
- On October 4, 2010, **Jason Smathers**, a blogger for *Witness Unto Me* in Topock, Arizona, requested from the Office of Intelligence and Analysis (I&A) "all regular reports made by the Senior CI Officer from the U.S. Department of Homeland Security Office of Intelligence & Analysis made between 1/1/2009 and the date this request is processed." (Case Number 11-OIA-0005).
- On October 4, 2010, **Ted Gostin**, a professional genealogist in Los Angeles, California, who has been contracted by "**Who Do You Think You Are?**," a British television series, requested from United States Citizenship and Immigration Services (USCIS) copies of the A-files belonging to (b)(6). (Case Numbers COW2010000428 and COW2010000429).
- On October 5, 2010, **Laura Crimaldi**, reporter with the *Boston Herald* in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) copies of correspondence between Suffolk County Sheriff's Department officials and ICE employees related to the detention of ICE detainees at Suffolk County facilities from July 1 to August 30, 2010. (Case Number 2011FOIA116).
- On October 6, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of responses to FOIA requests for anonymous data concerning immigration arrests, detention, charging, and removal statistics for FOIA requests sent from October 1, 2007 to the present. (Case Number 2011FOIA167).

#### Late Entries



- On September 24, 2010, **Scott Marshutz**, a reporter with the *Los Angeles Times* in Los Angeles, California, requested from the United States Coast Guard (USCG) any reports on the sinking of bait boat vessel A.C.E. off the San Clemente coast on November 26, 2005. (Case Number 2011FOIA0021).
- September 24, 2010, **Sarah Weber**, Staff Writer with the *Sandusky Register* in Sandusky, Ohio, requested from U.S. Customs and Border Protection (CBP) copies of the following records: 1) Any and all Reports of Investigation (Form G-166F) filed by Officers of the Sandusky Bay Station of U.S. Border Patrol from January 2009 to present; 2) Any and all Reports of Apprehension of Seizure (Form I-44) filed by Officers of the Sandusky Bay Station of U.S. Border Patrol from January 2009 to present; and 3) Any and all Record of Deportable/Inadmissible Aliens (Form I-213) filed by Officers of the Sandusky Bay Station of U.S. Border Patrol from January 2009 to present.
- On October 4, 2010, **Glen Milner**, a reporter with the *Washington Free Press* in Seattle, Washington, requested from the United States Coast Guard (USCG) the exact date that Lieutenant Russ Read retired or separated from the USCG. (Case Number 2011FOIA0048).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On October 5, 2010, the Federal Emergency Management Agency (FEMA) released to **William Anderson**, an individual in Washington, D.C., 12 pages of documents pertaining to his request seeking records from the files of FEMA's Administrator W. Craig Fugate, Deputy Administrator Richard Serino, Deputy Administrator Tim Manning, and Associate Administrator William Carwile, between the dates of April 20, 2010 and May 20, 2010, regarding the Deepwater Horizon Oil Spill in the Gulf of Mexico. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(6).
- On October 6, 2010, the United States Coast Guard (USCG) released to **Cory Nealon**, reporter with the *Daily Press* in Newport News, Virginia, 46 pages of documents consisting of the Report of Investigation, letters, weather reports, drawings, photographs, and charts. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C). (Case Number 2010FOIA0986).
- On October 8, 2010, the United States Coast Guard (USCG) released to **Collin Campbell**, a reporter with *WNYC New York Public Radio* in New York, New York, 10 pages of documents pertaining to his request seeking inspection records, reports and safety data collected on the Staten Island Ferry boats Sen. John J. Marchi and Andrew J. Barberi from May 1, 2009 to May 10, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(A) and (b)(7)(C).

- On October 5, 2010, U.S. Customs and Border Protection (CBP) released to **Jacques Billeaud**, a reporter with *The Associated Press* in Phoenix, Arizona, 37 pages of records pertaining to his request seeking the following: 1) Number of recorded breaches to fences and barriers along the U.S.-Mexico border over the last three fiscal years and the specifying the types and locations; 2) The number of tunnels that were discovered along the U.S.-Mexico border over the last three years, detailing the capture and details of those discoveries; 3) Reports or internal documents that analyze or comment on the effectiveness of the National Guard troops at border from May 2006 through July 2008; 4) Reports or internal documents that show the number of “get-aways” at or near the border for the last three fiscal years; and 5) Reports or internal documents in which government officials consider possible solutions in trying to confront the huge amount of drugs and smugglers who are getting past the border. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(6), (b)(7)(C), and (b)(7)(E).
- On October 7, 2010, the United States Coast Guard (USCG) released to **Scott Learn**, a reporter with *The Oregonian* in Portland, Oregon, 46 pages of records regarding the grounding of the vessel NEW DAWN on July 9, 2009, near the mouth of the Hood River. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C).

## V. Lawsuits

- In the matter of *ACLU of San Diego & Imperial Counties v. DHS*, (S.D. Cal. 10-0544), the Plaintiffs filed a complaint on March 15, 2010, claiming constructive denial. The ICE FOIA Office received this FOIA request from the ACLU seeking records relating to an enforcement operation in California from December 8 through December 10, 2009, on December 30, 2009. ICE’s response letter, along with 3,565 pages of responsive records, was sent to the Plaintiff on August 31, 2010. A *Vaughn* index and declaration will be filed with the Court on October 8, 2010. (Case Number 2010FOIA1926).



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of October 8 - 14, 2010

Privacy Office

October 18, 2010

### Weekly FOIA Report

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

- On October 7, 2010, United States Citizenship and Immigration Services (USCIS) [posted](#) on its [public website](#) a set of 21 questions and answers regarding Public Law 111-230, which will increase certain H-1B and L-1 petition fees. This set of Q&A's provides answers to frequently asked questions about the law, such as the amount of the fee increase, the effect it will have on processing times, and how to pay the fee.
- On October 7, 2010, United States Citizenship and Immigration Services (USCIS) USCIS posted the [interim guidance memorandum](#) "Implementation of Provisions of Public Law 111-230 Instituting Increased Fees for Certain H-1B and L-1 Petitions and Applications (AFM Update AD10-48)" on its [public website](#) for comments by all stakeholders. The closing date for feedback is October 22, 2010.

#### II. FOIA Requests

- On October 8, 2010, **Megan Benett**, representative of **Kreindler & Kreindler LLP** in New York, New York, requested from the United States Coast Guard (USCG) the following records pertaining to the British Petroleum (BP) oil spill: 1) Documents prepared by USCG in preparation for the June 16, 2010, meeting between President Obama and BP representatives; 2) All documents prepared by USCG in response to that meeting regarding the creation, funding and organization of a compensation fund; 3) All communications between BP PLC or any of its related entities and the USCG regarding the creation and terms of such a fund; 4) All contracts, agreements, correspondence or other communication between USCG and BP- Feinberg Rozen, Don K. Haycraft or Kenneth R. Feinberg; and 5) All contracts, agreements, correspondence or other communications between BP and Feinberg Rozen, Don K. Haycraft or Kenneth R. Feinberg on which the USCG was copied. (Case Number 2011FOIA0100).
- On October 12, 2010, **Ian Urbina**, Reporter with *The New York Times*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between the U.S. Coast Guard (USCG) and the Minerals Management Service (MMS) regarding safety inspections of the vessel Deepwater Horizon from Jan. 1, 2001 to the present, as well as all correspondence between the USCG and Transocean regarding safety inspections of the vessel Deepwater Horizon from Jan 1, 2001 to the present. (Case Number PRIV/OS/ 10-0052).



- On October 12, 2010, **Ian Urbina**, Reporter with *The New York Times*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all documents pertaining to the mobile offshore drilling unit, Deepwater Horizon, to include records of incident investigations and the blowout. (Case Number PRIV/OS/ 10-0053).
- On October 12, 2010, **Ian Urbina**, Reporter with *The New York Times*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records related to the discussion of what information about the Deepwater Horizon oil spill was to be released to the public and all of the documents that have been provided in response to the request of Justin Elliot on May 12, 2010. (Case Number PRIV/OS/ 10-0054).
- On October 12, 2010, **Ian Urbina**, Reporter with *The New York Times*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all inspection records filed between Jan. 1, 2005 and April 20, 2010, of the Deepwater Horizon mobile offshore drilling unit and all of the documents that have been provided in response to the request of Ben Casselman of the Wall Street Journal on May 12, 2010. (Case Number PRIV/OS/ 10-0055).
- On October 8, 2010, **Alexander Knapp**, reporter with *CNSNews.com* in Alexandria, Virginia, requested from the Department of Homeland Security (DHS) records pertaining to the immigration status or enforcement actions taken in regards to Nicky Diaz Santillan, former housekeeper of California Gubernatorial candidate Meg Whitman (R-CA). (Case Number DHS/OS/PRIV 11-0056).
- On October 12, 2010, **Scott MacFarlane**, reporter with *Cox TV* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all weekly reports submitted by the Secretary of Homeland Security and/or her chief of staff to the office of the White House Chief of Staff in 2009 and 2010. (Case Number DHS/OS/PRIV 11-0034).
- On October 13, 2010, **Michael Bekesha**, representative of **Judicial Watch, Inc.**, in Washington, D.C., requested from the Department of Homeland Security (DHS) the report or memorandum prepared at the direction of Secretary Napolitano related to Carlos Martinelly-Montano. (Case Number DHS/OS/PRIV 11-0051).
- On October 13, 2010, **Mary Ann Bragg**, reporter with the *Cape Cod Times* in Cape Cod, Massachusetts, requested from the United States Coast Guard (USCG) a copy of all files generated through the investigation into a boating death on October 8, 2010, off Provincetown, Massachusetts. (Case Number 2011FOIA0158).
- On October 13, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested from the Department of Homeland Security (DHS) records referencing FOIA and Privacy Act requests submitted by Jason Smathers that contain remarks, comments, notes, explanations, etc. made by DHS personnel or contractors about the

processing of these requests (and appeals, if appropriate), the invocation of exemptions, or related matters. (Case Number DHS/OS/PRIV 11-0045).

- On October 15, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested from the Department of Homeland Security (DHS) the current schema to each relational database management system currently used by any unit of DHS. (Case Number DHS/OS/PRIV 11-0058).
- On October 14, 2010, **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., requested from the United States Coast Guard (USCG) any communication between USCG and the following individuals: Governor Mitch Daniels, Jr. (R-IN), Governor Piyush Jindal (R-LA), Sarah Palin (R-AK), James Pawlenty (R-MN), Senator John Randolph Thune (R-SD), Michael Huckabee (R-AR), and Willard Mitt Romney (R-MA).
- On October 14, 2010, **Michael Fernandez**, representative of **Freehill Hogan & Mahar LLP** in New York, New York, requested from the United States Coast Guard (USCG) all records relating to FPSO Seillean and the Deepwater Horizon Incident. (Case Number 2010FOIA0180).
- On October 14, 2010, **Anna Steponovich**, National Security Fellow with **Electronic Privacy Information Center (EPIC)** in Washington, D.C., requested from the Department of Homeland Security (DHS) records concerning proposed software modifications to airport body scanners. (Case Number DHS/OS/PRIV 11-0042).

#### Late Entries

- August 31, 2010, **Janet Dexter**, reporter with the *Palladium Times* in Washington, D.C., requested from the United States Coast Guard (USCG) records relating to a boating accident that occurred in the Oswego Harbor, Oswego, New York, on August 28, 2010 involving a 23' pleasure boat striking the breakwater. (Case Number 2011FOIA0149).
- On October 5, 2010, **Russell Carollo**, a Journalist in Pueblo, Colorado, requested from United States Citizenship and Immigration Services (USCIS) information related to T-Visas. (Case number: COW2010000435).

### **III. FOIA Appeals**

- On September 30, 2010 **Mike Soraghan**, reporter with *Greenwire/Environment & Energy Daily* in Washington, D.C., appealed the response from United States Customs and Border Protection (CBP) to their request for documents pertaining to the following information: 1) All "Jones Act" waiver requests to CBP or other agencies for foreign vessels to operate in the Gulf of Mexico since April 20, 2010; 2) All documents and communications responding to such requests; and 3) All communications and records regarding the response of the Department and its components to such requests. (Case Number 2010F14730).



#### IV. FOIA Releases

- On October 8, 2010, Department of Homeland Security (DHS) Office of Intelligence and Analysis, released to **Katherine Gallagher**, Attorney with **Center for Constitutional Rights** in New York, New York, a no records determination in response to their request seeking records relating to the May 31, 2010, Israeli military operation that occurred in international waters in the Mediterranean Sea involving a six-foot boat flotilla headed to Gaza, including the U.S. registered "Challenger I" and Comoros-registered "Mavi Marmara," which was forcefully intercepted by Israeli Defense Forces, resulting in the death of 9 passengers on board the Mavi Marmara, including one US Citizen and the injury of many more.
- On October 8, 2010, the Transportation Security Administration (TSA) released to **David Barr**, a representative of the Democratic National Committee in Washington, D.C., 17 pages of records relating to their request seeking all records of communication between the TSA and the following individuals: Governor Mitch Daniels, Jr. (R-IN), Governor Piyush Jindal (R-LA), Sarah Palin (R-AK), James Pawlenty (R-MN), Senator John Randolph Thune (R-SD), Michael Huckabee (R-AR), and Willard Mitt Romney (R-MA). Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On October 12, 2010, the Office of Inspector General (OIG) released an interim response to **Amrit Singh**, the senior legal officer for **National Security and Counterterrorism at the Open Society Justice Initiative** in New York, New York, a 96 pages relating to their request seeking from the Department of Homeland Security (DHS) the following: (1) All records relating to post-September 11, 2001 Central Intelligence Agency reviews regarding extra-judicial transfers, including all work papers; (2) All records relating to all other post-September 11, 2001 reviews regarding extra-judicial transfers, including any work papers and records pertaining to the DHS Office of Inspector General (OIG) report regarding the removal of a Canadian Citizen to Syria; and (3) The final report of the Special Task Force on Interrogation and Transfer Policies set up pursuant to Executive Order 13491. Portions of this response were withheld pursuant to FOIA Exemption (b)(5).
- On October 13, 2010, the United States Coast Guard (USCG) released to **Nathan Brown**, reporter with the *Adirondack Daily Enterprise* in Saranac Lake, New York, eight pages pertaining to their request seeking records associated with a boater operating a vessel under unsafe conditions near Alexandria Bay, New York on July 10, 2010 and on July 24, 2004. (Case Number 2010FOIA3059). The requester agreed to receive a releasable copy of the documents.
- On October 13, 2010, the United States Coast Guard (USCG) released to **Ray Henry**, reporter with *The Associated Press* in Atlanta, Georgia, 440 pages of records relating to their request seeking a copy of daily personnel time recording documents and overtime logs, cost estimate data forms, equipment time reports and tickets, invoices for equipment and incident

personnel time reports held by the Area Command in Robert, Louisiana related to the oil spill. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4), (b)(5) and (b)(6).

**V. Lawsuits**

- NSTR



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of October 15 - 21, 2010**  
**Privacy Office**  
**October 25, 2010**  
**Weekly FOIA Report**

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

- On October 14, United States Citizenship and Immigration Services (USCIS) opened a new field office in Holtsville, Long Island. The office can serve an estimated 400 people a day from the surrounding counties of Nassau, Suffolk, and Queens. It also offers a variety of immigration services that will enable customers to have all of their needs met in-office. The location for this office was considered under USCIS' ongoing efforts to better serve its customer base, and was chosen for the high number of customers living nearby and its easy access to major traffic routes.

**II. FOIA Requests**

- On October 18, 2010, **Seth Borenstein**, a Science Writer with *The Associated Press* in Washington, D.C., requested from the United States Coast Guard (USCG) the following records: 1) All correspondence, slide shows, emails, meeting and phone notes and logs between Dr. David Conover and officials from other federal agencies and officials about funding for rapid grants to investigate the April 20, 2010, BP Macondo oil spill; and 2) All correspondence, emails, meeting and phone notes and logs between the Office of Legislative Public Affairs and other federal agencies and officials about coordination efforts of federal grants and the meetings August 31, 2010, September 1, 2010, and September 2, 2010, in Florida, Mississippi, and Louisiana. (Case Number 2011FOIA0213).
- On October 14, 2010, **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) and the Office of Inspector General (OIG) any communication between with the following individuals: Governor Mitch Daniels, Jr. (R-IN), Governor Piyush Jindal (R-LA), Sarah Palin (R-AK), James Pawlenty (R-MN), Senator John Randolph Thune (R-SD), Michael Huckabee (R-AR), and Willard Mitt Romney (R-MA). (Case Number DHS/OS/PRIV 10-0083 and OIG FOIA #2011-009).
- On October 18, 2010, **Scott MacFarlane**, reporter with *Cox TV* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all weekly departmental reports for DHS in 2009 that were released in previous FOIA requests. (Case Number DHS/OS/PRIV 11-0065).
- On October 19, 2010, **David Fowler**, Associate Professor with **University of Oregon** in Eugene, Oregon, requested from the Department of Homeland Security (DHS) personnel counts in the following occupational



codes: 0080, 0083, 0085, 1801, 1802, 1805, 1810, 1811, 1881, 1889, 1894, 1895, and 1896 1899. (Case Number DHS/OS/PRIV 11-0077).

- On October 19, 2010, **Dr. Paal Maas Risenhoover**, representative of **Robin Hood International Human Rights Legal Defense Fund** in Tainan City, American Formosa, requested from the Department of Homeland Security (DHS) U.S. policies regarding 22USC 3303(b)(6) chargeability zone treatment of Formosa and "Taiwan" as defined by 22USC 3314. (Case Number DHS/OS/PRIV 11-0082).
- On October 19, 2010, **Emily Willard**, reporter for *The National Security Archive* in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) documents, related to the seizure of 105 tons of marijuana by Mexican police forces in Tijuana on October 19, 2010. (Case Number CBP FOIA #201100748).
- On October 19, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested from United States Citizenship and Immigration Services (USCIS) all records referencing each FOIA/PA request submitted by Jason Smathers. (Case Number COW2010000489).
- On October 21, 2010, **Ian Urbina**, reporter with *The New York Times* in Washington, D.C., requested from the Department of Homeland Security (DHS) and the United States Coast Guard (USCG) a copy of the FOIA log from August 2, 2010 to the present that USCG used to track all incoming and outgoing FOIA requests. (Case Number DHS/OS/PRIV 11-0085 and 2011FOIA0253).

#### Late Entries

- On October 7, 2010, **Jessica Fargen**, reporter with the *Boston Herald* in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) the following records: 1) Employee guidelines or policies that describe the reasons and circumstances for which a TSA employee could be disciplined by any means, including but not limited to termination, suspension, and verbal/written warnings; 2) The number of TSA employees employed at Logan International Airport in Boston who have been disciplined by means including but not limited to: termination, suspension, and verbal/written warnings; and 3) The reasons those people were disciplined for fiscal years 2008, 2009, and 2010. (Case Number TSA11-0032).

### **III. FOIA Appeals**

- NSTR

### **IV. FOIA Releases**

- On October 19, 2010, the United States Coast Guard (USCG) released to **John Boaden**, a representative of **Bickel & Brewer** in Dallas, Texas, 11 pages of documents concerning Notices of Designation, which have been issued to entities involved with the Deepwater Horizon spill. These records were released in full. (Case Number 2011FOIA0057).

- On October 20, 2010, the United States Coast Guard (USCG) released to **Bob Carey**, a representative of the **National Press Photographers Association** in Durham, North Carolina, 2,326 photographs. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2010FOIA2803).
- On October 20, 2010, the United States Coast Guard (USCG) released to **Carl Messineo**, representative with the **Law Offices of the Partnership for Civil Justice Fund** in Washington, D.C., 17 pages of documents pertaining to their request seeking copies of all complaints or requests that formed the basis for the "new exclusion zones" as well as any communication from BP regarding the restrictions made upon media access. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2752).
- On October 20, 2010, the United States Coast Guard (USCG) released to **Candice Alexander**, 124 pages of documents relating to their request seeking documents pertaining to the use of Corexit in the Gulf of Mexico and when/if the dispersing of this chemical will stop. Portions of this response were withheld pursuant to FOIA Exemption (b)(5). (Case Number 2010FOIA2824).

## V. Lawsuits

- NSTR



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of October 22 - 28, 2010

### Privacy Office

November 01, 2010

### Weekly FOIA Report

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

- On October 20, 2010, United States Citizenship and Immigration Services (USCIS) [publicly announced](#) that two decisions from the USCIS Administrative Appeals Office have been issued as binding precedents for the agency. One decision affirms USCIS's denial of an application to adjust status to permanent residence and holds that an employment-based petition must be "valid" initially if it is to remain valid with respect to a new job; the other reverses USCIS's denial of an application to preserve residence for naturalization purposes and clarifies the definition of employment by an "American firm or corporation." Decisions of this type are a collaboration between the Department of Homeland Security and the Department of Justice and help ensure clarity and consistency in the application of immigration laws by Homeland Security personnel.
- On October 25, 2010, United States Citizenship and Immigration Services (USCIS) [publicly announced](#) that the Certificate of Naturalization has been redesigned with new security features to reduce fraud, such as signature embedding and a color-shifting ink pattern. It was also announced that USCIS would transition to an automated printing process for the new certificates, which will reduce the time it takes to prepare them and render the certificates more tamper-proof. On October 26, 2010, a [fact sheet](#) and a set of [questions and answers](#) were published to provide stakeholders with more information about the new certificates.
- On October 26, 2010, United States Citizenship and Immigration Services (USCIS) posted a [public reminder](#) to customers that the new fee schedule goes into effect on November 23, 2010. Applications and petitions postmarked or filed on or after this date must include the new fee or they will be rejected. Information about the fee schedule has been made widely available to the public, who provided comments on the proposed rule earlier this summer.

#### II. FOIA Requests

- On October 22, 2010, **Eileen O'Neill**, a representative of **Ware Jackson Lee Chambers, L.L.P.** in Houston, Texas, requested from the United States Coast Guard (USCG) any records maintained by the USCG relating to data on marine safety environmental protection/response and law enforcement activities, approved equipment lists, investigation reports and any other information available associated with BP Exploration & Production Company Inc., and any of its subsidiary and/or parent companies. (Case Number 2011FOIA0257).



- On October 22, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from the United States Coast Guard (USCG) all documents pertaining to the mobile offshore drilling unit, DEEPWATER HORIZON, to include records of incident investigations, and the blowout. (Case Number 2011FOIA0287).
- On October 22, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from the United States Coast Guard (USCG) all correspondence between the USCG and the Minerals Management Service (MMS) regarding safety inspections of the vessel DEEPWATER HORIZON from January 1, 2001 to the present, as well as all correspondence between the USCG and Transocean regarding safety inspections of the DEEPWATER HORIZON from January 1, 2001 to the present. (Case Number 2011FOIA0294).
- On October 27, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from the United States Coast Guard (USCG) the following information: 1) All records related to discussions of what information about the Deepwater Horizon oil spill was to be released to the public; and 2) All documents that have been provided in response to the request of Justin Elliott on May 12, 2010. (Case Number 2011FOIA0346).
- On October 27, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from the United States Coast Guard (USCG) the following records: 1) All inspection records filed between January 1, 2005 and April 20, 2010 of the Deepwater Horizon mobile offshore drilling unit including all equipment; and 2) All documents that have been provided in response to the request of Ben Casselman on May 12, 2010. (Case Number 2011FOIA0347).
- On October 27, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from the Department of Homeland Security (DHS) all documents, correspondences, and work material related to the DHS and officials at the Institute of Terrorism Research and Response between January 1, 2010 and October 10, 2010. (Case Number DHS/OS/PRIV 11-0107).
- On October 11, 2010, **Ian Urbina**, a reporter with *The New York Times* in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) a copy of the FOIA log from August 2, 2010 to present. (Case Number 2011FOIA535).
- On October 22, 2010, **Alexander Nicholson**, Executive Director of Service Members United in Washington, D.C., requested from the United States Coast Guard (USCG) the number of service personnel that were separated from USCG under "Homosexual Conduct Policy" during 2010. (Case Number 2011FOIA0288).
- On October 22, 2010, **Pamela Lafreniere**, an attorney in New Bedford, Massachusetts, requested from the United States Coast Guard (USCG) information into whether or not Honorable Parlen McKenna was paid from proceeds of the Asset Forfeiture Fund for his travel and/or expenses

for his attendance at the Global Fisheries Enforcement Training Workshop in Kuala Lumpur, Malaysia in July 2005. (Case Number 2011FOIA0293).

- On October 22, 2010, **Ryan J. Reilly**, a reporter with *Talking Points Memo* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of the Inspector General Report relating to the disclosure of the immigration status of Barack Obama's aunt, Zeituni Onyango, just ahead of the 2008 election. (Case Number DHS/OS/PRIV 11-095).
- On October 22, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested from United States Citizenship and Immigration Services (USCIS) all records on, about, concerning, or mentioning John Murray, a deceased individual from Scotland, to specifically include records that are separate and in addition to records responsive to any previous request. (Case number: COW2010000509).
- On October 22, 2009, **Emily Willard**, Program Coordinator with *The National Security Archive* in Washington, D.C., requested from the Department of Homeland Security (DHS) all documents related to the assessment of southbound weapons exports to the U.S. in November 2008, developed jointly by analyst from Office of Intelligence (OINT), OINT's Border Violence Intelligence Cell (BVIC), CBP Office of Intelligence and Operations Coordination (OIOC), and DHS Intelligence and Analysis (I&A) Border Security Branch and Homeland Intelligence Support Team (HIST), to include the following records: 1) The Homeland Security Intelligence Report Supplement (HSIR: ICE-SWIFU-00310-09; 2) The U.S. Southbound Smuggling Assessment; 3) Any other reference documents used to create this proposal and report supplement. (Case Number DHS/OS/PRIV 11-0089).
- On October 25, 2010, **Emily Willard**, Program Coordinator with *The National Security Archive* in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) documents related to the rise in unauthorized smuggling tunnels across the U.S.-Mexico border since 2006. (Case Number CBP FOIA 2001F00988).
- On October 26, 2010, the United States Department of Agriculture referred to the Department of Homeland Security (DHS) documents responsive to a request from **Tony Corbo**, a reporter with *Food & Water Watch* seeking records pertaining to the applications made by the People's Republic of China for equivalence determinations for all products covered under the Federal Meat Inspection Act, The Poultry Inspection Act, and the Egg Products Inspection Act, and the decisions rendered by the Food Safety and Inspection Service (FSIS) since January 1, 2000. (Case Number DHS/OS/PRIV 11-0090).
- On October 26, 2010, **Katie Fairbank**, a reporter with *The Dallas Morning News* in Dallas, Texas, requested from the United States Coast Guard (USCG) the following records: 1) The investigation report into an incident involving Carnival Cruise Lines in April 2010, with report number 3800735; 2) Any documents pertaining to investigations into



listing performed by Carnival Cruise Lines ships between 2005 and 2010 to include but not be limited to an investigation into an incident involving Carnival Destiny in December 2007 in the Caribbean; 3) Any documents outlining cruise ship listing incidents between 2005 and 2010 including any reports, any decisions on whether to investigate the incidents, and the final investigation reports; and 4) Any safety requirements under U.S. law related to procedures involving passenger cruise ships and listing incidents. (Case Number 2011FOIA0316).

- On October 26, 2010, **Alison Parker**, Acting Director of **Human Rights Watch** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to anyone detained or in custody for the period starting October 1, 1998 to the present. (Case Number 2011FOIA1040).
- On October 26, 2010, **Remington Shepard**, a Research Associate with **SEIU**, in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records: 1) The contract between the Office of the Secretary of the Department of Homeland Security and Paragon Systems Inc (paragon), for the provision of security services at the Department of Homeland Security (DHS) headquarters in Washington, D.C., (the Nebraska Ave Facility), the associated statement of work, and any contract modifications; 2) Any emails, memorandum or other written assessment of completeness or quality of contract performance or provision of security services by Paragon at the DHS Headquarters; 3) Any documents pertaining to the investigation of four handguns found missing from a gun vault at DHS Headquarters during Paragon's contract performance period, announced on December 26, 2006; 4) Any documents pertaining to investigations, warnings or disciplinary actions arising from missing, misused, or destroyed weapons or materials related to this security contract; 5) Any documents pertaining to investigations, warnings or disciplinary actions arising from inadequate, missing, or out of date training, certifications, post orders, or procedures; and 6) Any records pertaining to reimbursement of legal defense fees provided to Paragon as a result of being a DHS contractor. (Case Number DHS/OS/PRIV 11-0092).
- On October 27, 2010, **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., requested from the United States Coast Guard (USCG) any communication between with the following individuals: Governor Mitch Daniels, Jr. (R-IN), Governor Piyush Jindal (R-LA), Sarah Palin (R-AK), James Pawlenty (R-MN), Senator John Randolph Thune (R-SD), Michael Huckabee (R-AR), and Willard Mitt Romney (R-MA). (Case Number 2011FOIA0339).
- On October 28, 2010, **Suzanne Gamboa**, a reporter with **The Associated Press** in Washington, D.C., requested from the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) the following records: 1) Records of complaints about the 287(g) program concerning race and national origin or allegations of racial profiling for

the fiscal years 2006-2010l; 2) Records indexing or listing complaints and/or categories of complaints filed regarding the 287(g) program; 3) Records of reviews by CRCL of U.S. Immigration and Customs Enforcement (ICE) programs; and 4) Records of any outcomes from reviews by CRCL of ICE programs. (Case Number CRCL).

- On October 28, 2010, **Kate Brumback**, a reporter with *The Associated Press* in Atlanta, Georgia, requested from U.S. Customs and Border Protection (CBP) data on the number of Somali nationals who have been taken into custody after being caught trying to cross the border between Mexico and the United States for the period from January 2005 through the present, broken down by month. (Case Number CBP FOIA 2011F01240).
- On October 28, 2010, **Steven Emerson**, President of *SAE Productions* in Washington, D.C., requested from the Department of Homeland Security (DHS) and the U.S. Customs and Border Protection (CBP) the following records: 1) Copies of any reports, memos, emails or other internal CBP documents related to the Chicago Roundtable meeting held on June 24, 2010 at the Mosque Foundation in Bridgeview; 2) Any documents identifying participants of the meeting(s) and their organizational affiliation and any evaluation forms/report executed by program participants in agency possession; 3) Copies of any attendee evaluation forms/documents that may have been prepared resulting from this session (minus attendee identity information, if deemed necessary); and 4) Copies of any audio and or/video presentations/recordings used during the meeting(s). (Case Number CBP FOIA 2011F01238).

#### Late Entries

- On October 12, 2010, **Susan Carroll**, a reporter with the *Houston Chronicle* in Houston, Texas, requested from Immigration and Customs Enforcement (ICE) all correspondence regarding immigration case dismissals and/or prosecutorial guidance from June 1, 2010, to the present involving the following individuals: (b)(6)  
(Case Number 2011FOIA324).
- On October 12, 2010, **Lee Davidson**, a reporter with the *Salt Lake Tribune* in Salt Lake City, Utah, requested from the Transportation Security Administration (TSA) databases, such as the Interim Federal Security Representative and Performance Management information System, that show the amounts and types of potential weapons and other prohibited items surrendered or confiscated at security gates (or other passenger searches) at each airport in the United States from January 1, 2005 to present. (Case Number TSA11-0033).
- On October 12, 2010, **Jessica Fargen**, a reporter with *The Boston Herald* in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) the following records: 1) A copy of any TSA



employee guidelines or policies that describe the reasons and circumstances for which a TSA employee could be disciplined by any means, including but not limited to termination, suspension, and verbal/written warnings; 2) The number of TSA employees employed at Logan International Airport in Boston who have been disciplined by means including but not limited to: termination, suspension, and verbal/written warnings. (Case Number TSA11-0032).

- On October 14, 2010, **Susan Long**, co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from Immigration and Customs Enforcement (ICE) a complete set of documentation of the Enforcement Integrated Database (EID), including a list of the database tables, definitions of the codes used, and the database schema. (Case Number 2011FOIA528).
- On October 18, 2010, **Susan Long**, co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from Immigration and Customs Enforcement (ICE) a complete set of documentation on the ICE Integrated Decision Support (IIDS) Database, including a list of the database tables, definitions of the codes used, and the database schema. (Case Number 2011FOIA619).
- On October 19, 2010, **R.D. Fry**, an individual in Olathe, Kansas, requested from United States Citizenship and Immigration Services (USCIS) records within the Agency's possession relating to section V.3, paragraph 98 of the report the United States of America submitted to the United Nations Commissioner for Human Rights. (Case Number COW2010000505).
- On October 19, 2010, **Maria Sacchetti**, a reporter with *The Boston Globe* in Boston, Massachusetts, requested from Immigration and Customs Enforcement (ICE) the arrest reports for the individuals whose names have been provided to ICE by the Boston Police Department since 2006, as part of the program now known as Secure Communities. (Case Number 2011FOIA747).
- On October 20, 2010, **Julie Axelrod**, a representative with **Judicial Watch** in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) all records of the Pasadena Police Department of Pasadena, California, contacting ICE regarding possible immigration law violations, with any information identifying specific individuals redacted. (Case Number 2011FOIA804).
- On October 21, 2010, **Emily Carey**, a Program Coordinator with the **American Civil Liberties Union (ACLU)** in Las Cruces, New Mexico, requested from U.S. Customs and Border Protection (CBP) information regarding two deaths along the U.S. – Mexican border allegedly at the hands U.S. Border Patrol officers. (Case Number CBP FOIA 2011F00816).
- On October 21, 2010, **Emily Carey**, a Program Coordinator with the **American Civil Liberties Union (ACLU)** in Las Cruces, New Mexico, requested from U.S. Customs and Border Protection (CBP) information

pertaining to injuries and deaths of border patrol agents incurred in the line of duty. (Case Number CBP FOIA 2011F00794).

- On October 21, 2010, **Scott MacFarlane**, a reporter with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence in 2010 from the Secretary of Homeland Security (DHS) to Members of Congress that are held in the Secretary's personal correspondence file. (Case Number DHS/OS/PRIV 11-0094).
- On October 21, 2010, **Kevin Rothstein**, a reporter with **Fox 25** in Boston, Massachusetts, requested from Immigration and Customs Enforcement (ICE) all Notices of Intent to Fine (NIF) that were issued by the ICE Boston Office from 2008 through the present. (Case Number 2011FOIA896).

### III. FOIA Appeals

- On October 15, 2010, **Sean Riordan**, Staff Attorney with the **American Civil Liberties Union (ACLU) San Diego and Imperial Counties**, in San Diego, California, appealed the response from U.S. Customs and Border Protection (CBP) to their request for policies and procedures on apprehension of immigrants, processing of individuals in CBP custody, repatriation of individuals, and filing of grievances.

### IV. FOIA Releases

- On October 19, 2010, the United States Coast Guard (USCG) released to **John Boaden**, a representative of **Bickel & Brewer** in Dallas, Texas, 11 pages of documents pertaining to their request seeking documents concerning Notices of Designation, which have been issued to entities involved with the Deepwater Horizon spill (Case Number 2011FOIA0057). These records were released in full.
- On October 22, 2010, the United States Coast Guard (USCG) released to **Anne Weismann**, Chief Counsel of **Citizens for Responsibility and Ethics (CREW)** in Washington, D.C., 1,905 pages pertaining to her request for all studies, assessments, presentations, and scenarios conducted by USCG regarding the oil spill as well as any exercises conducted from 2002 to present year and any records related to Shoreline Clean-up Assessment Team and their involvement in the Gulf of Mexico. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2480).
- On October 22, 2010, the United States Coast Guard (USCG) released to **Mike Soraghan**, a reporter with **Green Wire/Environment & Energy Daily** in Washington, D.C., 16 pages pertaining to his request for all "Jones Act" waiver requests for foreign vessels to operate in the Gulf of Mexico since April 20, 2010 as well as any documents responding to such requests.. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2751).
- On October 22, 2010, the United States Coast Guard (USCG) released to **Carl Messineo**, representative of the **Law Offices of Partnership for**



**Civil Justice Fund** in Washington, D.C., 17 pages of materials relating to their request seeking copies of all complaints or requests that formed the basis for the "new exclusion zones" as well as any communication from BP regarding the restrictions made upon media access. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2752).

- On October 22, 2010, the Department of Homeland Security (DHS) released to **Nate Jones**, representative with the *National Security Archive* in Washington, D.C., 62 pages of records pertaining to his request seeking records relating to "the several specific steps" that White House Chief of Staff Rahm Emanuel and White House Counsel to the President Bob Bauer instructed this agency to take in a March 16, 2010 memo to all agency and department heads. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).
- On October 26, 2010, United States Citizenship and Immigration Services (USCIS) released to **Ted Gostin**, a professional genealogist in Los Angeles, California, who has been contracted by "**Who Do You Think Your Are?**," 49 pages pertaining to their request seeking records relating to (b)(6). Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number COW2010000429 and COW2010000428).
- On October 28, 2010, the Department of Homeland Security (DHS) issued to **Jeff Stachewicz**, Counsel with the **FOIA Group**, in Depew, New York, a request for additional information in response to his request seeking all data contained in the FAPIIS database relevant to DHS.
- On October 28, 2010, the United States Coast Guard (USCG) released to **Peter Elkind**, a reporter with *Fortune Magazine* in Fort Worth, Texas, 208 pages of documents pertaining to their request seeking a copy of the joint Mineral Management Service - USCG report on the THUNDERHORSE incident in the aftermath of Hurricane Dennis. (Case Number 2010FOIA2972). These records were released in full.
- On October 28, 2010, the United States Coast Guard (USCG) released to **Patrick Dolan**, a reporter with *News 12 Long Island* in Woodbury, New York, 476 pages pertaining to their request seeking a list of all USCG regulated facilities on the south shore of Connecticut and the North Shore of Long Island as well as annual inspection reports of all such facilities for the past five years. (Case Number 2010FOIA3296). These records were released in full.
- On October 28, 2010, April 26, 2010, the Department of Homeland Security (DHS) released to **Robert O'Harrow**, a reporter with *The Washington Post* in Washington, D.C., 251 pages of procurement records in response to a request for documents relating to the Advance Spectroscopy Portals (ASP) Program to specifically include documents provided by DHS to the Government Accountability Office. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6).

- On October 28, 2010, the Department of Homeland Security (DHS), Management Directorate (MGMT) released to **Robert O'Harrow**, a reporter with *The Washington Post*, in Washington, D.C., 321 pages of documents relating to his request seeking a "comprehensive review of joint-venture contractors" in First Source that was done before the options on the contracts were renewed in February. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).
- On October 28, 2010, the Department of Homeland Security (DHS) released to **Russell Carollo**, a Pulitzer-prize winning journalist in Pueblo, Colorado, 432 pages of travel records in response to a request for records (with the exception of computer records covered in a separate FOIA of December 9, 2009) related in any way to travel by the Secretary and the Deputy Secretary since January 1, 2009, to include, but not limited to, the following records: 1) hotel receipts, 2) meal receipts, 3) taxi receipts, 4) airline tickets, 5) emails, 6) non-governmental travel records, 7) and documentation of any similar request. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(6).

## V. Lawsuits

- In the matter of *Center for Human Rights & Constitutional Law Foundation vs. United States Citizenship and Immigration Services (USCIS), National Records Center*, (CV 10-7073), Plaintiff filed a complaint September 22, 2010, claiming constructive denial pertaining to their request for records relating to the policies, practices, operations and composition of USCIS Administrative Appeals Office.
- In the matter of *National Immigration Law Center v. DHS*, (USDC CD California 08-07092), Plaintiff filed complaint October 27, 2008 claiming constructive denial pertaining to their request. On March 12, 2010, U.S. Immigration and Customs Enforcement (ICE) made a discretionary release of two pages where plaintiffs had previously challenged our withholdings. ICE received letter from Plaintiff, dated August 16, 2010, reducing the amount of attorneys fees sought from approximately \$375,000 to \$275,000. Chris Vetter with OPLA indicated that Plaintiff have tentatively agreed to our final settlement offer of \$86,243, which will be memorialized in a memo from OPLA to HSI when everything is finalized.
- In the matter *Families for Freedom, et al. v. CBP, et al.*, (S.D.N.Y. 10-2705), U.S. Immigration and Customs Enforcement (ICE) is making modifications to a Draft Declaration with Karen Wolfe, to be signed by Ms. Pavlik-Keenan Monday, October 18, 2010. The declaration covers the search as well as 51 pages of responsive records sent to the Plaintiff (by the AUSA) on August 30, 2010. ICE's declaration responding to Plaintiff's motion for discovery was filed on October 18, 2010.
- In the matter of *ACLU of San Diego & Imperial Counties v. DHS*, (S.D. Cal. 10-0544), U.S. Immigration and Customs Enforcement (ICE) provided a Vaughn Index and Declaration to the AUSA on October 8, 2010. The



Judge has modified the case management deadlines and has reset the settlement conference in the case for November 12, 2010 at 2:00 p.m.

- In the matter of Urdaneta v. IRS and ICE, (USDC DC 09-2405), Plaintiff filed a complaint December 22, 2009, challenging U.S. Immigration and Customs Enforcement (ICE) redactions. Final release sent to Plaintiff on July 28, 2010. Received email from the AUSA on August 4, 2010, stating that Plaintiffs will not challenge our redactions. Received Plaintiff's motion for attorney's fees from OPLA on September 21, 2010 seeking over \$26,000. ICE's declaration in support of motion in opposition to plaintiffs' motion for attorney's fees was filed on October 18, 2010.
- In the matter of Hamdan v. DOJ, et al., (C.D. Cal. 10-6149), U.S. Immigration and Customs Enforcement (ICE) was added as a defendant in the amended complaint filed on October 14, 2010, claiming that ICE, and several other government agencies, failed to conduct an adequate search for responsive records. ICE provided 28 pages of TECS records to the Department of Homeland Security (DHS) in March and July 2010, which responded to the plaintiffs in August. Plaintiffs claim that they filed an administrative appeal on September 15, 2010, but neither DHS nor we have any record of that appeal. The search has been remanded to HSI with instructions to search the SAC and ASAC offices in Los Angeles, California.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of October 29 – November 4, 2010

### Privacy Office

November 08, 2010

### Weekly FOIA Report

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

- On October 29, 2010, United States Citizenship and Immigration Services (USCIS) [announced](#) the first of a series of public engagements in Spanish, which will be held quarterly. Each session will focus on a specific immigration or citizenship topic and will provide an opportunity for stakeholders to ask questions and receive answers from USCIS officials. This initiative is part of the effort to communicate in a timely and open manner with all customers.
- On November 1, 2010, United States Citizenship and Immigration Services (USCIS) [announced](#) an 18-month extension of temporary protected status for Somalian nationals who entered the United States before September 4, 2001. In order to best serve the approximately 300 individuals who will be affected, USCIS also posted a set of [questions and answers](#) on their public site to provide information about temporary protected status and how these individuals can re-register.
- On November 4, 2010, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room the following: 1) Secure Communities Interoperability Memorandum of Understanding (MOU) between Department of Homeland Security, the Federal Bureau of Investigation (FBI), and the Department of State (DOS); and 2) The September 2010 FOIA Log.

#### II. FOIA Requests

- On November 1, 2010, **Maggie Hopf**, a reporter with **Inside Edition** in New York, New York, requested from the United States Coast Guard (USCG) all documents, records, photos and recordings from the October 17, 2010, incident that occurred with Karri Larson while she was kayaking in the Florida Keys. (Case Number 2011FOIA0399).
- On November 1, 2010, **Alexander Knapp**, a reporter with **Cybercast News Service** in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) any records pertaining to the immigration status or enforcement action taken with regard to Nicky Diaz Santillan, the former housekeeper of California Gubernatorial Candidate Meg Whitman. (Case Number 2011FOIA1308).
- On November 1, 2010, **Susan Long**, a Co-Director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a complete set of documentation on the EARM Reports Database. (Case Number 2011FOIA1306).

- On November 1, 2010, **Eric Nicholson**, a reporter with the *Texarkana Gazette* in Texarkana, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) any Notices of Intent to Fine issued by ICE between January 1, 2009 and October 27, 2010, to companies for violations that occurred in the state of Arkansas. (Case Number 2011FOIA1305).
- On November 1, 2010, **Jason Ryan**, a reporter with *ABC News* in Washington, D.C., requested from the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) all documents, notes, intelligence bulletins, and information bulletins that are jointly produced with the Federal Bureau of Investigation (FBI) and I&A between the dates of October 27, 2010 and November 1, 2010, as it relates to the ongoing cargo security threat and recent plot to package bombs in toner cartridges coming in mail delivery services from Yemen. (Case Number 11-OIA-0013).
- On November 2, 2010, **Andrew Becker**, a staff reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) The total number of voluntary returns for Fiscal Years 2010, 2009, 2008 and 2007; 2) The number of voluntary returns, by month, for Fiscal Years 2010, 2009, 2008 and 2007; 3) The number of voluntary returns, by Area of Responsibility (AOR), for Fiscal Years 2010, 2009, and 2008; 4) The number of voluntary returns, by week, for Fiscal Year 2010; 5) The total number of voluntary departures for Fiscal Years 2010, 2009, 2008 and 2007; 6) The number of voluntary departures, by month, for Fiscal Years 2010, 2009, 2008 and 2007; 7) The number of voluntary departures, by Area of Responsibility (AOR), for Fiscal Years 2010, 2009, and 2008; 8) The number of voluntary departures, by week, for Fiscal Year 2010; 9) The total number of withdrawals for Fiscal Years 2010, 2009, 2008 and 2007; 10) The number of withdrawals, by month, for Fiscal Years 2010, 2009, 2008 and 2007; 11) The number of withdrawals, by Area of Responsibility (AOR), for Fiscal Years 2010, 2009, and 2008; and 12) The number of withdrawals, by week, for Fiscal Year 2010. (Case Number 2011FOIA1310).
- On November 2, 2010, **Andrew Becker**, a staff reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) All records, documents and/or reports pertaining to use of force (use of force incident data) and/or attempted use of force by any and all Department of Homeland Security (DHS) employees and/or Immigration and Customs Enforcement (ICE) employees, such as and including the discharge/firing of a service weapon(s), for years 2003 to present; and 2) Any reports of incidents involving firearms, certain and/or specified use of force events, and/or enforcement related officer safety issues, including unintentional discharge of a weapon. (Case Number 2011FOIA1311).
- On November 2, 2010, **Steven Emerson**, President of **SAE Productions Inc.**, in Washington, D.C., requested from United States Citizenship and



Immigration Services (USCIS) and the Transportation Security Administration (TSA) the following records pertaining to the Chicago Roundtable meeting held on June 24, 2010, at the Mosque Foundation in Bridgeview: 1) Copies of any reports, memos, emails or any other internal TSA documents related to the meeting; 2) Any documents identifying participants of the meeting and their organizational affiliation and any evaluation forms/reports executed by program participants in the agency's possession; 3) Copies of any attendee evaluation forms/documents that may have been prepared resulting from this session (minus attendee identity information, if deemed necessary); and 4) Copies of any studio and/or video presentations/ recording used during the meeting. (Case Number TSA11-0057 and COW2010000538).

- On November 2, 2010, **Camilla Mortensen**, a reporter with *Eugene Weekly* in Eugene, Oregon, requested from the United States Coast Guard (USCG) a copy of all records related to shipments on the Columbia/Snake River system that are related to The Kearn Module Transport Project, Imperial Oil/ExxonMobil and Sung Jin Geotec Co. (Case Number 2011FOIA0409).
- On November 2, 2010, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of any correspondence to or from the Republican Governors Association in the correspondence files of the Office of the Secretary. (Case Number DHS/OS/PRIV 11-029).

#### Late Entries

- On October 28, 2010, the Office of Inspector General (OIG) referred to the Department of Homeland Security (DHS) documents responsive to a request from **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., a request seeking any communication with the following individuals: Governor Mitch Daniels, Jr. (R-IN), Governor Piyush Jindal (R-LA), Sarah Palin (R-AK), James Pawlenty (R-MN), Senator John Randolph Thune (R-SD), Michael Huckabee (R-AR), Willard Mitt Romney (R-MA), Newton Gingrich (R-GA), and Haley Barbour (R-MS). (Case Number DHS/OS/PRIV 11-0127).
- On October 28, 2010, **Thomas Brune**, a reporter with *Newsday* in Washington, D.C., requested from the Department of Homeland Security (DHS) any and all letters between Representative Peter King (R-NY-3) and DHS, including its Secretary and officials of its components since January 1, 2008 to the present. (Case Number DHS/OS/PRIV 11-0121).
- On October 28, 2010, **Thomas Brune**, a reporter with *Newsday* in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records: 1) Any and all letters between Senator Charles Schumer (D-NY) and DHS, including the Secretary, Secretary's office, and officials of DHS components, since January 1, 2008 to the present; and 2) Any and all e-mails and phone logs, notes or messages between Senator Charles Schumer of New York and the Department of

Homeland Security, including the Secretary, Secretary's office, and officials of DHS components, since January 1, 2008 to the present. (Case Number DHS/OS/PRIV 11-0122).

- On October 28, 2010, **Suzanne Gamboa**, a reporter with *The Associated Press* in Washington, D.C., requested from the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) the following records: 1) Complaints about the 287(g) program concerning race and national origin or allegations of racial profiling for the fiscal years 2006-2010; 2) Records indexing or listing complaints and/or categories of complaints filed regarding the 287(g) program; 3) Reviews by CRCL of U.S. Immigration and Customs Enforcement (ICE) programs; and 4) Records of any outcomes from reviews by CRCL of ICE programs. (Case Number CRCL).
- On October 28, 2010, **Peter Urban**, a reporter with *Stephens Media Washington News Bureau* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of communications (letters, emails, telephone calls) from the office of the Secretary to Senate Majority Leader Harry Reid (D-NV), his office or staff regarding Diana Tejada and/or Bassam Tarhini between November 1, 2008 and October 27, 2010. (Case Number DHS/OS/PRIV 11-0116).
- On October 29, 2010, **Dave Bresett**, a journalist in Merry Point, Virginia, requested from the United States Coast Guard (USCG) information relating to the number of USCG documented vessels homeported in the four counties of the Northern neck of Virginia, specifically the counties of Lancaster, Northumberland, Westmoreland and Richmond. (Case Number 2011FOIA0364).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On October 26, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Beth Schwartzapfel**, a freelance journalist ([www.blackapple.org](http://www.blackapple.org)) in Brooklyn, New York, 380 pages of documents pertaining to her request seeking records concerning detainee hunger strikes at ICE and ICE-contracted facilities that occurred within the last six months. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On October 29, 2010, Department of Homeland Security (DHS), Office of Policy (PLCY) released to **Todd Spangler**, a Washington Correspondent for the *Detroit Free Press* in Washington, D.C., 9 pages of documents pertaining to his request seeking copies of congressional correspondence from ECT workflow number 829179. Portions of this response were withheld pursuant to FOIA Exemption (b)(5).
- On October 29, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Emily Willard**, a representative of the *National Security Archive*



in Washington, D.C., 7 pages of records pertaining to her request seeking documents related to the creation, policies, and operations of the Border Enforcement Security Task Force (BEST) and “Operation Armas Cruzadas.” These records were released in full.

- On November 2, 2010, the Office of Inspector General (OIG) released to **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., one page containing information pertaining to his request seeking any communication with the following individuals: Governor Mitch Daniels, Jr. (R-IN), Governor Piyush Jindal (R-LA), Sarah Palin (R-AK), James Pawlenty (R-MN), Senator John Randolph Thune (R-SD), Michael Huckabee (R-AR), Willard Mitt Romney (R-MA), Newton Gingrich (R-GA), and Haley Barbour (R-MS). These records were released in full.
- On November 2, 2010, United States Citizenship and Immigration Services (USCIS) released to **Greg Talmage**, an individual from Nashville, Tennessee, 169 pages of records pertaining to his request seeking communications between Senator Claire McCaskill (D-MO) or her office and the agency. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On November 3, 2010, the United States Coast Guard (USCG) released to **Scott Marshutz**, a reporter with *The Los Angeles Times* in Los Angeles, California, 29 pages pertaining to her request for reports on the sinking of bait boat vessel A.C.E., owned by Everingham Brothers based in San Diego, off the San Clemente coast on November 26, 2005. (Case Number 2011FOIA0021). These records were released in full.

## V. Lawsuits

- In the matter of *Marchelleta v. U.S. Immigration and Customs Enforcement, et al.*, (U.S. N.D. Ga. 1:10-CV-3280), Plaintiff filed a complaint October 12, 2010, challenging ICE’s withholdings and the adequacy of the search pertaining to its request seeking records relating to the seizure of checks in Memphis, Tennessee, on March 16, 2001.

## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of November 5 - 11, 2010

### Privacy Office

November 15, 2010

### Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On November 9, 2010, United States Citizenship and Immigration Services (USCIS) [announced](#) that it granted citizenship to 11,146 members of the U.S. armed forces in fiscal year 2010, a six percent increase from fiscal year 2009, and the highest number of service members naturalized in a year since 1955. Since September 2001, USCIS has naturalized nearly 65,000 service members. USCIS is committed to making immigration services as accessible as possible for members of the military and their families and accordingly has a number of efforts tailored to service members, including military liaison officers at USCIS field offices, an initiative to conduct all naturalization process on base so the recruit is able to graduate from basic training as a US citizen, and several information services specifically for the military.
  - On November 10, 2010, U.S. Immigration and Customs Enforcement posted to its FOIA Electronic Reading Room the 287(g) Master Stats as of October 31, 2010, and a list of all detainee deaths from October 2003 through November 2010.
- II. FOIA Requests**
- On November 5, 2010, **Jeremy Bigwood**, an investigative journalist in Washington, D.C., requested from the United States Coast Guard (USCG) records containing references to the possibility of moving the facilities of the civilian airport in Tegucigalpa (Toncontin), Honduras, to "SOTO CANO" airbase, sometimes referred to as "PALMEROLA," from 1998 to the present. (Case Number 2011FOIA0458).
  - On November 5, 2010, **Sara Clarke**, a journalist with the *Orlando Sentinel* in Orlando, Florida, requested from the Transportation Security Administration (TSA) copies of any TSA incident reports, witness summaries, and memorandums for record from Orlando International Airport from October 1, 2008 to the present. (Case Number TSA11-0076).
  - On November 5, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested from the Department of Homeland Security (DHS) a copy of the "vexsome filer list," which may also be known as a "serial filter list" or a nuisance filer list. (Case Number DHS/OS/PRIV 11-0157).
  - On November 5, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested from the Department of Homeland Security (DHS) all emails and corresponding attachments sent to or from

Hillary Rodham Clinton (or any person who communicates on her behalf) where the email contains any of the following keywords in the subject or body: "just between us," "breach," "big trouble," "too late," "stupid," "bad company," "perception issue," "the real objective," "very slippery slope," or "true disaster." (Case Number DHS/OS/PRIV 11-0158).

- On November 9, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested from the Department of Homeland Security (DHS) all emails and corresponding attachments sent to or from Janet A. Napolitano (or any person who communicates on her behalf) where the email contains any of the following keywords in the subject or body: "just between us," "breach," "big trouble," "too late," "stupid," "bad company," "perception issue," "the real objective," "very slippery slope," or "true disaster." (Case Number DHS/OS/PRIV 11-0163).
- On November 8, 2010, **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) the following records: 1) Any communication between the agency and Newton Leroy Gingrich (R) former Speaker of the House and Governor Haley Reeves Barbour (R-MI); and 2) Copies of all FOIA request filed relating to Governor Mitchell Daniels (R-IN), Governor Piyush Jindal (R-LA), former Governor Sarah Palin (R-AK), Governor Timothy Pawlenty (R-MN), Senator John Thune (R-SD), former Governor Michael Huckabee (R-AR), and former Governor Willard Romney (R-MA). (Case Number COW2010000547, COW2010000548, COW2010000549, and 2011FOIA1672).
- On November 8, 2010, **H. Jeffrey Goodall**, a producer and photojournalist with *WAGA FOX TV* in Atlanta, Georgia, requested from the Transportation Security Administration (TSA) copies of all TSA incident reports, witness summaries, and documents entitled "Memorandum for record," for TSA involved situations at the Atlanta Hartsfield-Jackson International Airport from January 1, 2008 to October 31, 2010. (Case Number TSA11-0078).
- On November 8, 2010, **Mike McGraw**, a reporter with *The Kansas City Star* in Kansas City, Missouri, requested from the Department of Homeland Security (DHS) copies of all correspondence between members of Congress and DHS for the period from January 2006 to the present regarding the selection of a site for the National Bio-and-Agro-Defense Facility. (Case Number DHS/OS/PRIV 11-0162).
- On November 8, 2010, **Francisco Ayala-Silvia**, a representative of *La Prensa Libre* in Springdale, Arkansas, requested from U.S. Immigration and Customs Enforcement (ICE) records that show who has been deported under the 287(g) program in Northwest Arkansas since the law enforcement agencies of the region were admitted into this program and the legal reason(s) for their deportation. (Case Number 2011FOIA1669).
- On November 8, 2010, the Broadcasting Board of Governors (BBG), United States of America, referred to the Department of Homeland



Security (DHS) a request from **Veria Wiley**, VOA Vice President for Radio with the **American Federation of Government Employees, Local 1812** in Washington, D.C., seeking a copy of a Federal Protective Service investigator's final report of an incident that occurred August 9, 2010. (Case Number DHS/OS/PRIV 11-0159).

- On November 9, 2010, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of each submission by DHS Components to the Privacy Office of significant FOIA activities as outlined in the July 7, 2009, directive from Mary Ellen Callahan. (Case Number DHS/OS/PRIV 11-0160).
- On November 9, 2010, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from **David Sobel**, Senior Counsel with the **Electronic Frontier Foundation** in San Francisco, California, seeking copies of all DOJ records created since January 20, 2009, that concern, discuss or reflect the work or deliberations of the United States-European Union High Level Contact (HLCG) on data privacy and law enforcement cooperation. (Case Number 11-0161).
- On November 10, 2010, **Sam Brooke**, an attorney for the **Southern Poverty Law Center** in Montgomery, Alabama, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of all intergovernmental service agreements related to the South Louisiana Detention Center, located at 3843 Stagg Avenue, Basile, Louisiana, 70515, which has a "DETLOC" code of "BASILLA," that was entered into by the Department of Homeland Security (DHS), or any agency and/or predecessor of DHS, for anytime between January 1, 2005 to November 1, 2010. (Case Number 2011FOIA1819).
- On November 10, 2010, **John Greenewald, Jr.**, a radio show host in Northridge, California, requested from the United States Coast Guard (USCG) all documents pertaining to the "mysterious missile launch" off the southern California coast caught by CBS affiliate KCBS's cameras Monday, November 8, 2010. (Case Number 2011FOIA0513).
- On November 10, 2010, **Carly Stadum**, a representative of **Georgetown University Law Center** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records related to procedures and policies for removing deportees with mental disabilities from the air transportation to foreign government officials upon arrival. (Case Number 2011FOIA1793).
- On November 12, 2010, **Zack Baddorf**, a journalist with **Free Speech Radio News** in Tampa, Florida, requested from the United States Coast Guard (USCG) the amount and cost of fuel used for USCG helicopters to fly to and from the Carnival Splendor in early November 2010, and any other costs associated with that incident. (Case Number 2011FOIA0542).

#### Late Entries

- On October 22, 2010, **Brady McCombs**, a Border and Immigration Reporter with the *Arizona Daily Star* in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) the total acquisition cost of each Unmanned Aircraft Systems purchased by CBP since 2004. (Case Number CBP FOIA #2011F01555).
- On October 28, 2010, **Peter Urban**, a Reporter with *Stephens Media Washington News Bureau* in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) copies of all communications between November 1, 2008 and October 27, 2010 from CBP to the Department of Homeland Security (DHS), Office of the Secretary or Office of the Deputy Secretary, notifying them that an employee of Senate Majority Leader Harry Reid (D-NV) was involved in a pending investigation regarding entering into a marriage for the purposes of evading any provisions of U.S. Immigration laws. (Case Number CBP FOIA #2011F01549).
- On November 4, 2010, **Susan Long**, Co-Director at **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following documents and manuals used to develop ENFORCE Alien Removal Module (EARM): 1) ENFORCE Alien Removal Module (EARM), Release 1.0, October 12, 2007; 2) Systems Requirements Document: Enforcement Alien Removals Module (EARM), Release 1.0, October 4, 2007; and 3) Systems Requirements Documents: Enforcement Alien Removals Module (EARM): Release 1.0, Update March 17, 2008. (Case Number 2011FOIA1510).
- On November 4, 2010, **Joshua Evans**, representative of **Public Records Strategies** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) correspondence between USCIS and Rahm Israel Emanuel (former White House Chief of Staff) from 1992 to present, including e-mails, phone logs and records, faxes, mail, and memorandums. (Case Number COW2010000539).

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On November 3, 2010, United States Citizenship and Immigration Services (USCIS) released to **Melissa Klein**, a reporter with *The New York Post* in New York, New York, 30 pages of documents relating to her request seeking records relating to U.S. Representative Gregory Meeks (D-NY6). Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number COW2010000355).
- On November 4, 2010, United States Citizenship and Immigration Services (USCIS) released to **Greg Talmage**, an individual from Nashville, Tennessee, 169 pages of documents pertaining to his request



seeking any communication between Senator Claire McCaskill (D-MO) or her office and the agency. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number NRC2009040831).

- On November 5, 2010, the Department of Homeland Security (DHS) released to **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., 16 pages of correspondence relating to his request seeking copies of communications with certain Members of Congress, which was later narrowed to logs of correspondence specifically with Representative Newton Leroy ("Newt") Gingrich and/or Governor Haley Reeves Barbour. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On November 5, 2010, the Department of Homeland Security (DHS) released to **David Nachman**, partner at **DLA Piper** in New York, New York, 309 pages of email communications pertaining to his request seeking records relating to the implementation of the provisions of Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and the number and demographic profile of unaccompanied alien children detained and repatriated by DHS. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(5), (b)(6), and (b)(7)(E).
- On November 5, 2010, United States Citizenship and Immigration Services (USCIS) issued to **Kristen Rau**, representative of **The Center for Justice and Accountability** in Washington, D.C., a no record determination pertaining to her request seeking documents about training by the United States military, State Department, or any other unit or department of the U.S. Government for the Nepalese military, Royal Nepalese Army, Nepalese intelligence, or any other Nepalese security forces or officers from 2001 to 2004. (Case Number COW2010000354).
- On November 5, 2010, the Department of Homeland Security (DHS) released to **Paul Singer**, reporter with **Roll Call** in Washington, D.C., 248 pages of email records responsive to a request for copies of all letters, e-mail messages or records of telephone contacts between the offices of U.S. Rep. Bennie Thompson (D-MS) and/or the House Committee on Homeland Security, regarding a company called Veratect Corporation. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4), (b)(5), and (b)(6).
- On November 5, 2010, the Department of Homeland Security (DHS) released to **Ian Urbina**, a reporter with **The New York Times** in New York, New York, a 25 pages pertaining to his request seeking a copy of the agency's FOIA log, specifically the document the agency uses to track all incoming and outgoing FOIA requests, from August 2, 2010, to the date of processing his request. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On November 7, 2010, U.S. Customs and Border Protection (CBP) released to **Gregory Korte**, a reporter with **USA TODAY** in Washington D.C., 41 pages of documents pertaining to his request seeking all records

relating to the Recovery Act contract with Eyak Technology LLC of Dulles, Virginia, Award No. HSBP1008J23360. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6). (Case Number CBP FOIA #2010F17141).

- On November 8, 2010, United States Citizenship and Immigration Services (USCIS) released to **Todd Spangler**, Washington correspondent with the ***Detroit Free Press*** in Washington, D.C., 8 pages of documents pertaining to his request seeking copies of congressional correspondence associated with ECT workflow 818622: Congresswoman Carolyn Cheeks Kilpatrick (D-MI-13). Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On November 10, 2010, the United States Coast Guard (USCG) released to **Paul Skrabanek**, a representative of the **Law Offices of Arnold and Ikin** in Houston, Texas, 1 page pertaining to his request for all correspondence in relation to any statements given to the Mineral Management Service (MMS) from Darren Costello who was a passenger on the Deepwater Horizon at the time of the explosion on April 20, 2010. These records were released in full. (Case Number 2010FOIA2611).

## V. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488): Plaintiff filed a complaint April 27, 2010, claiming constructive denial pertaining to their request for records regarding the Secure Communities Program, and that ICE improperly denied their fee waiver and request for expedited processing. On October 28, 2010, plaintiffs filed a Motion for Preliminary Injunction seeking to compel the production of other documents listed on their "Rapid Production List," with particular emphasis on information relating to the opt-out procedures for localities who do not want to participate in Secure Communities. ICE's declaration in response to this motion was filed with the Court on November 12, 2010.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of November 12 - 18, 2010

### Privacy Office

November 22, 2010

### Weekly FOIA Report

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

- During the first two weeks of November 2010, the United States Coast Guard (USCG) posted several items in its FOIA E-Reading Room concerning the Deepwater Horizon event. The items include links to Restore the Gulf, the Response Safety and Environmental Health Resources page, and the National Pollution Funds Center homepage. The USCG also provided 1,147 pages of responsive documents to 15 FOIA requests concerning Deepwater Horizon for the public.
- On November 15, 2010, United States Citizenship and Immigration Services (USCIS) posted the interim memorandum [Ninth Circuit Court of Appeals overturning the permanent injunction issued by the U.S. District Court for the Western District of Washington in Ruiz-Diaz v. United States, No. 09-35734](#) for feedback on its [website](#). This is part of USCIS's efforts to promote transparency while coordinating with its customers and public stakeholders. The interim memorandum will be available for comment until November 30, 2010.

#### II. FOIA Requests

- On November 12, 2010, **Joshua Israel**, a representative of the **Center for Public Integrity** in Washington, D.C., requested from the Department of Homeland Security (DHS) a log of requests from individuals and/or organizations requesting FOIA logs from DHS, dated between January 1, 2009 to the present. This request was later amended to include a general log of FOIA requests submitted to DHS from July 2010 to the date of this request. (Case Number DHS/OS/PRIV 11-0173).
- On November 12, 2010, **Scott MacFarlane**, a reporter with **Cox TV** in Washington, D.C., requested from the Transportation Security Administration (TSA) correspondence in 2010, from the Administrator of TSA to Members of Congress that are held in the Administrator's personal correspondence file. (Case Number TSA11-0092)
- On November 12, 2010, **Keli Rabon**, an Investigative Reporter with **WREG-TV** in Memphis, Tennessee, requested from the Transportation Security Administration (TSA) any documents entitled Memorandum from October 26, 2010, at the Memphis International Airport relating to an incident involving a man and his family being removed from a Comair airplane after the man was spending a long time in the bathroom. (Case Number TSA11-0091).
- On October 12, 2010, **Jenny Small**, a representative of **Judicial Watch Inc.** in Washington, D.C., requested from the Department of Homeland



Security (DHS) records pertaining to firearms recovered in Mexico. (Case Number DHS/OS/PRIV 11-0168).

- On November 12, 2010, **Shoba Sivaprasad Wadhia**, director of the **Pennsylvania State University Center for Immigrants' Rights** in University Park, Pennsylvania, requested from United States Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP) records regarding deferred action status. (Case Number 2011FOIA1845).
- On November 15, 2010, **Steven Aftergood**, a representative of the **Federation of American Scientists** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of records that document the Department's response to the Fundamental Classification Guidance Review to date. (Case Number DHS/OS/PRIV 11-0169).
- On November 15, 2010, **David Blair-Joy**, Legal Director with the **American Civil Liberties Union of San Diego and Imperial Counties** in San Diego, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records regarding communication with the Escondido Police Department: 1) Any correspondence relating to cooperation between the Escondido Police Department and ICE; 2) Any contracts and/or memoranda of understanding relating to cooperation between the Escondido Police Department and ICE; 3) Any records containing or discussing any policies, procedures, directives, or regulations relating to cooperation between the Escondido Police Department and ICE agents; and 4) Any records relating to the "193 arrests" yielded by the "pilot program." (Case Number 2011FOIA1976).
- On November 15, 2010, **Tegan Millspaw**, a representative of **Judicial Watch Inc.** in Washington, D.C., requested from the United States Secret Service (USSS) all official visitors' logs and/or other records concerning visits made by Laurence Tribe to the White House from January 2009 to present. (Case Number 20100866).
- On November 16, 2010, **John Cook**, a journalist with **Gawker Media** in Brooklyn, New York, requested from the Department of Homeland Security (DHS) all email and attachments sent to or received from the email address (b)(6) since January 1, 2008, by any of the following: Janet Napolitano, Jane Holl Lute, Noah Kroloff, Philip A. McNamara, Ivan K. Fong, Rand Beers, and David Heyman. (Case Number DHS/OS/PRIV 11-0180).
- On November 16, 2010, **Jeff Wiehe**, a reporter with **The Journal Gazette** in Fort Wayne, Indiana, requested from the Transportation Security Administration (TSA) the following records: 1) All TSA incident reports 2) TSA incident report witness summaries; and 3) Documents entitled memorandum for record involving Fort Wayne International Airport from January 1, 2005 to November 4, 2010. (Case Number TSA11-0100).
- On November 17, 2010, **Virginia Benzan**, a representative of **Massachusetts Law Reform Institute** in Boston, Massachusetts, requested from United States Citizenship and Immigration Services

(USCIS) a copy of all decisions of the Northeast Region Director from January 12, 2008 until November 18, 2010, granting and denying deferred action status. (Case Number COW2010000).

- On November 17, 2010, **Elizabeth Simpson**, an attorney with the **Southern Coalition for Social Justice** in Durham, North Carolina, requested from U.S. Immigration and Customs Enforcement (ICE) records related to the law enforcement action that resulted in the arrest of approximately 26 individuals on the side of Interstate-10 in and around Lake Charles, Louisiana on or about the morning of April 15, 2010. (Case Number 2011FOIA2074).
- On November 17, 2010, **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, requested from the Transportation Security Administration (TSA) all Talking Points or Q&A documents created since January 1, 2009. (Case Number TSA11-0101).
- On November 17, 2010, **Bobbi Jo Alexis**, a representative of the **Board of County Supervisors of Prince William County** in Prince William, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to Carlos Martinelly-Montano, an illegal immigrant with two drunken driving convictions who was involved in an accident that killed a nun in August 2010. (Case Number 2011FOIA2080).
- On November 18, 2010, **Michael Bekesha**, a representative with **Judicial Watch Inc.** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of the report prepared at the direction of Secretary Napolitano related to Carlos Martinelly-Montano. (Case Number 2011FOIA2155).
- On November 18, 2010, **Sam Brooke**, a representative with the **Southern Poverty Law Center** in Montgomery, Alabama, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding detainee grievance materials from eight detention facilities in Louisiana, Alabama, and Georgia. (Case Number 2011FOIA2139).
- On November 18, 2010, **Ralph Lindeman**, a representative with the **Bureau of National Affairs, Inc. (BNA)** in Arlington, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) copies of records found to be responsive to previous FOIA requests identified by case numbers FOIA 10-2937 and FOIA 10-1419. (Case Number 2011FOIA2148).
- On November 18, 2010, **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) all current contracts, memorandums of understanding and agreements between ICE and any other organizations, including Corrections Corporation of America, for the operation of detention facilities in Georgia. (Case Number 2011FOIA2147).
- On November 18, 2010, U.S. Customs and Border Protection (CBP) referred to the United States Coast Guard (USCG) documents responsive to a request from **Mike Soraghan**, with *Greenwire and Environment and*



*Energy Daily* in Washington, D.C., seeking all "Jones Act" waiver requests submitted to the United States Customs and Border Protection or other agencies for foreign vessels to operate in the Gulf of Mexico since April 20, 2010. (Case Number 2011FOIA0613).

#### Late Entries

- On November 10, 2010, **James Bailey**, Director of Field Operations and Organizing with the **National Treasury Employees Union** in Denver, Colorado, requested from the Transportation Security Administration (TSA) the number of TSA employees, by state, currently having allotments withheld (from individual biweekly payroll checks or payroll deposits) to the American Federation of Government Employees (AFGE). (Case Number TSA11-0089).
- On November 10, 2010, **David Barr**, a representative of the **Democratic National Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of the correspondence associated with specific ECT workflow numbers. (Case Number DHS/OS/PRIV 11-0170).

### III. FOIA Appeals

- On November 10, 2010, **Kathy Roberts**, a staff attorney with **The Center for Justice and Accountability** in San Francisco, California, appealed the response from U.S. Customs and Border Protection (CBP) to their request for eight categories of information related to U.S. Government training and joint operations involving the Nepalese military, the Royal Nepalese Army (RNA), Nepalese intelligence, or any other Nepalese security forces or officers during the Nepalese civil war.

### IV. FOIA Releases

- On November 17, 2010, United States Citizenship and Immigration Services (USCIS) released to **Suzanne Gamboa**, a reporter with *The Associated Press* in Washington, D.C., 95 pages of documents responsive to her request seeking agency records, from January 2007 through the end of February 2009, regarding proposals for administrative alternatives to comprehensive immigration reform. Portions of this response were withheld pursuant to FOIA Exemption (b)(5).
- On November 17, 2010, the United States Coast Guard (USCG) released to **Angel Hertslet**, a representative with **Weitz & Luxenburg** in New York, New York, 1,005 pages of documents pertaining to their request for documents relating to the aerial application of dispersants in the Gulf of Mexico since April 20, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2957).
- On November 17, 2010, the Department of Homeland Security (DHS) Office of Intelligence and Analysis (OI&A) issued to **Jason Smathers**, a writer for the *Witnesses unto Me* blog in Topock, Arizona, a full denial in

response to his request seeking a copy of the organizational structure of the section of DHS, which handles the priority “threat of radicalization and extremism.” These pages were withheld in full pursuant to FOIA Exemptions (b)(2)(low), (b)(2)(high), and (b)(6). (Case Number 11-OIA-0003).

- On November 17, 2010, the Department of Homeland Security (DHS) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, D.C., 249 pages of email communications responsive to a request for copies of all email dated December 25, 2009 and December 26, 2009, to or from the following DHS officials: Janet Napolitano, Noah Kroloff, Amy Schlossman, Jane Holl Lute, Matthew Chandler, Sean Smith, and David Pressman. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(5), and (b)(6).

## V. Lawsuits

- In the matter of *Families for Freedom v. ICE*, (S.D.N.Y. 10-8354), Plaintiff filed a complaint on November 4, 2010, challenging ICE’s denial of their requests for a fee waiver, expedited processing, as well as total denial of their request (2010FOIA7896) after they refused to agree to pay search fees. ICE received the complaint from the AUSA on November 15, 2010.
- In the matter of *Hamdan v. DOJ, et al*, (C.D. Cal. 10-6149), Plaintiff filed an amended complaint October 14, 2010, adding U.S. Immigration and Customs Enforcement (ICE) as a defendant, claiming that ICE and several other government agencies, failed to conduct an adequate search for responsive records. A draft declaration was provided to the AUSA on November 15, 2010, and 50 pages of documents were provided to the AUSA for release to the plaintiff on November 18, 2010.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of November 19 - 25, 2010

### Privacy Office

November 29, 2010

### Weekly FOIA Report

- I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
  - NSTR
- II. **FOIA Requests**
  - On November 23, 2010, **David Shapiro**, staff attorney with the **American Civil Liberties Union National Prison Project** in Washington, D.C., requested from the Office of Inspector General (OIG) all “death in detention” records from December 3, 2009, to the present, regarding U.S. Immigration and Customs Enforcement (ICE) detainees. The request also seeks any “death in detention” records from January 1, 2009, through December 3, 2009, which may not have been captured and produced in the requester’s previous FOIA request to OIG #2010-028 (Case Number OIG FOIA #2011-028).
- III. **FOIA Appeals**
  - NSTR
- IV. **FOIA Releases**
  - On November 22, 2010, United States Citizenship and Immigration Services (USCIS) issued to **Jason Smathers**, a writer for the *Witnesses Unto Me* blog in Topock, Arizona, a no records determination in response to his request for a list of individuals that participated in the Naturalization Ceremony on July 13, 1976 in Ohio. (Case Number COW2010000211).
  - On November 23, 2010, United States Citizenship and Immigration Services (USCIS) released to **Susan Gamboa**, a reporter with *The Associated Press* in Washington, D.C., 95 pages of records pertaining to their request for all records from January 2007, through the end of February 2009, relating to proposals for administrative alternatives to comprehensive immigration reform. Portions of this response were withheld pursuant to FOIA Exemption (b)(5). (Case Number COW2010000209).
  - On November 24, 2010, the Department of Homeland Security (DHS) released to **Jim McElhatton**, a reporter with *The Washington Times* in Alexandria, Virginia, 104 pages of documents jointly written between the Department of Commerce and DHS, pertaining to their request for written correspondence from members of Congress to National Oceanic Atmospheric Administration, along with agency responses, to the Deepwater Horizon oil spill in the Gulf of Mexico. These records were released in full.



## **V. Lawsuits**

- NSTR

## **FOIA Exemptions**

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

**Exemption 9:** geological information on wells



## FOIA Activity for the Week of November 26 – December 2, 2010

### Privacy Office

December 6, 2010

### Weekly FOIA Report

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

- On November 22, 2010, United States Citizenship and Immigration Services (USCIS) [announced](#) on its website that it is introducing a standardized form to request waivers of the fees charged for processing immigration benefits. The form will become available for use on November 23, 2010, the same day the latest fee schedule will take effect. The fee waiver form is the first ever introduced and is part of USCIS's efforts to bring clarity and consistency to the services it offers the public.
- On November 22, 2010, United States Citizenship and Immigration Services (USCIS) [posted](#) the interim memorandum Fee Waiver Guidelines as Established by the Final Rule of the USCIS Fee Schedule for comments from the public as part of its initiative to engage stakeholders and build transparency. The final day to submit comments is December 7.

#### II. FOIA Requests

- On November 26, 2010, **Sean Riordan**, staff attorney with the **American Civil Liberties Union (ACLU)** of San Diego & Imperial Counties, in San Diego, California, requested from U.S. Customs and Border Protection (CBP) documents regarding: 1) The CBO Policy entitled "Hold Rooms and Short Term Custody," dated January 31, 2008; 2) Any subsequent policy or other document that would supersede or supplement the 2008 Policy; and, 3) Any written communications, memoranda, notes or other documents created by CBP personnel regarding the 2008 Policy and subsequent changes. (Case Number CBP FOIA # 2011F02620).
- On November 29, 2010, **Angela Turner**, a journalist with *The Journal Gazette* in Fort Wayne, Indiana, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the number of criminal aliens whose deportation process began in Indiana since October 1, 2005. (Case Number 2011FOIA2612).
- On November 29, 2011, **Keith Yaskin**, a reporter with *KSAT-TV* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all I-213s generated by the Maricopa County Sheriff's Office under the 287(g) program. (Case Number 2011FOIA2637).
- On November 29, 2010, **Theodore Emery** a Social Policy Reporter with *Congressional Quarterly* in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of memoranda to or from John Morton regarding guidance for proposed, recommended or final

administration policy changes at ICE with respect to immigration enforcement and removal policy. (Case Number 2011FOIA2674).

- On November 30, 2010, **Jim Hoffer**, a reporter with *WABC-TV* in New York, New York, requested from the Office of Inspector General (OIG) copies of OIG audit and inspection reports regarding homeland security funds awarded to all public entities in New York and New Jersey, including each state's Office of Homeland Security, State Police, universities, municipalities, transit agencies, and port authorities. (OIG FOIA #2011-031).
- On December 1, 2010, **Alan Maimon**, Special Projects reporter with the *Las Vegas Review-Journal* in Las Vegas, Nevada, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the ICE/OPR report completed in late 2006 or early 2007, about activities in the Las Vegas field office of the FAMS. (Case Number 2011FOIA2904).
- On December 1, 2010, **Sheldon Shafer**, Senior Reporter for *The Louisville Courier-Journal* in Louisville, Kentucky, requested from the United States Coast Guard (USCG) a copy of a maritime incident report, Case number 3617388, involving the Belle of Louisville in 2009. (Case Number 2011FOIA0716).

#### Late Requests

- On November 18, 2010, **Lena F. Masri**, staff attorney with **Council on American-Islamic Relations** in Southfield, Michigan, requested from the Department of Homeland Security (DHS), on behalf of an individual, a high resolution digital copy of the booking photograph taken of the individual, as well as high resolution digital copies of any other photographs, taken when she was arrested on October 28, 2009. (Case Number DHS/OS/PRIV 11-0189).
- On November 22, 2010, **David Shapiro**, a staff attorney with the **American Civil Liberties Union** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records relating to seven named detainees who died in ICE custody after December 3, 2009, as well as all records regarding ICE detainees who died between January 1, 2009 and December 3, 2009. (Case Number 2011FOIA2220).
- On November 22, 2010, **John Taylor**, Vice President, Research Strategy & Quality with the **Center for Digital Government** in Folsom, California, requested from the Department of Homeland Security (DHS) the following records: 1) Investment Justification submissions for Urban Areas Security Initiative (UASI) for FY 2008, 2009, and 2010; 2) Investment Justification submissions for State Homeland Security Program (SHSP) for FY 2008, 2009, and 2010; 3) Investment Justification submissions for Metropolitan Medical Response System (MMRS) for FY 2008, 2009, and 2010; 4) Investment Justification submissions for Citizens Corps Program (CCP) FY 2008, 2009, and 2010; 5) Investment Justification submissions for Operation Stonegarden (OPSG) for 2008, 2009, and 2010, 6) Urban Area Working Group Contact Lists for all FY 2010; 7) Urban Area Security



Initiative (UASI) Grant Recipients; 8) Urban Area Entities for 2010 UASI grant recipients Cities, Counties and other Jurisdictions that belong to each UASI required in 2010 UASI grant applications; 9) Metropolitan Steering Committee Contact Lists for all FY 2010, Metropolitan Medical Response System (MMRS) grant recipients; and 10) Citizen Corps Councils Contact list for all FY 2010 Citizens Corps Program (CCP) grant recipients. (Case Number DHS/OS/PRIV 11-0197).

- On November 23, 2010, **Bobbi Jo Alexis**, a representative of the **Prince William County Board of Supervisors** in Prince William, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding individuals taken into physical custody in Prince William County and then turned over to ICE from January 1, 2008 to the present. (Case Number 2011FOIA2245).
- On November 23, 2010, **Larry Bush**, a journalist in San Francisco, California, requested from the United States Coast Guard (USCG) the following records: 1) The Agency directive on implementing President Obama's January 21, 2009, Executive Order on Open Government and Attorney General Eric Holder's guidance for federal agencies on Freedom of Information Act, including the offices that received the guidance; 2) Agency guidance on fees that can be charged for FOIA responses; 3) Agency contracts for any and all aspects of Agency policy and implementation of FOIA and FOIA responses, including searches, reviews, policy guidance and related issues; and 4) Agency billings in 2008, 2009 and 2010, for the contract work performed under Item 3. (Case Number 2011FOIA0660). Similar requests were also submitted to the Transportation Security Administration and United States Citizenship and Immigration Services.

### III. FOIA Appeals

- On December 1, 2010, **Karen Kaiser**, Counsel for *The Associated Press* in Phoenix, Arizona, appealed the response from U.S. Customs and Border Protection (CBP) to their request for documents pertaining to: 1) documents showing the number of recorded breaches to fences and barriers along the U.S.-Mexico border during the last three fiscal years, 2) documents showing the number of tunnels that were discovered along the U.S.-Mexico border during the last three fiscal years, 3) documents addressing the impact of the National Guard on border security along the U.S.-Mexico border from May 2006 through July 2008, 4) documents showing the number of "get-aways" at or near the U.S.-Mexico border during the last three fiscal years, and 5) documents considering solutions to drug smuggling along the U.S.-Mexico border.

### IV. FOIA Releases

- On November 22, 2010 U.S. Immigration and Customs Enforcement (ICE) issued to **Judy Rabinovitz**, an attorney with the **American Civil Liberties Union** in New York, New York, a no records determination

pertaining to their request seeking all records relating to the 426 individuals for whom DHS has requested certified of mental competency since 2004, including, but not limited to: copies of any requests for certification in their cases, responses to those requests, and any competency assessments conducted; and records relating to their removal proceeding, including their Alien Files, and a copy of the "Operation Policy and Procedure Memorandum (05-07)" as referenced in EOIR's response to HRW's FOIA request. (Case Number 2010FOIA6717).

- On November 29, 2010, the United States Coast Guard (USCG) released to **Dom Yanchunas**, a reporter with the *Professional Mariner Magazine* in Staten Island, New York, an 11-page spreadsheet with a list of activities involving towing operators, pertaining to his request seeking documents concerning assistance-towing operators who were cited for violations during Operation Big Tow. These records were released in full. (Case Number 2010FOIA3531).
- On December 3, 2010, the Department of Homeland Security (DHS) released to **Jim McElhatton**, a reporter with *The Washington Times* in Alexandria, Virginia, 104 pages of documents jointly written between the Department of Commerce and DHS, which are responsive to a request for access to written correspondence from members of Congress to NOAA, along with agency responses, pertaining to the Deepwater Horizon oil spill in the Gulf of Mexico. These records were released in full.
- On December 2, 2010, U.S. Immigration and Customs Enforcement (ICE) Issued to **Eric Nicholson**, a journalist with the *Texarkana Gazette* in Texarkana, Texas, a full denial pertaining to their request seeking copies of any Notices of Intent to Fine issued by ICE between January 1, 2009 and Oct. 27, 2010, to companies for violations that occurred in the state of Arkansas. These pages were withheld in full pursuant to FOIA Exemptions (b)(7)(A). (Case Number 2011FOIA1305).
- On December 2, 2010, U.S. Immigration and Customs Enforcement (ICE) issued to **Kevin Rothstein**, a reporter with *Fox 25* in Dedham, Massachusetts, a full denial pertaining to their request seeking copies of all Notices of Intent to Fine (NIF) that were issued by the ICE Boston Office from 2008 through the present. These pages were withheld in full pursuant to FOIA Exemptions (b)(7)(A). (Case Number 2011FOIA896).

## V. Lawsuits

- In the matter of *Shanell James v. DEA, et al.*, (D.D.C. 08-842), on November 29, 2010, this case was dismissed for failure to prosecute.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), Plaintiffs filed a complaint April 27, 2010, claiming constructive denial with regard to U.S. Immigration and Customs Enforcement (ICE) FOIA 10-2674, claiming that ICE improperly denied their fee waiver and request for expedited processing. ICE will begin releasing "opt-out" documents located through



additional searches by SC, OTD, OSLTC and OCR on a rolling basis beginning Friday, December 3, 2010.

## **FOIA Exemptions**

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

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

**Exemption 9:** geological information on wells



**FOIA Activity for the Week of December 3 - 9, 2010**  
**Privacy Office**  
**December 13, 2010**  
**Weekly FOIA Report**

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

- NSTR

**II. FOIA Requests**

- On December 3, 2010, **Frank Bass**, a reporter with *Bloomberg News* in New York, New York, requested from the Department of Homeland Security (DHS) copies of written or electronic correspondence to DHS between January 1, 2010, and the present, from the following members of the U.S. House of Representatives: 1) John Boehner (R-OH-8); 2) Eric Cantor (R-VA-7); 3) Jeb Hensarling (R-TX-5); 4) Paul Ryan (R-WI-6); 6) Peter. King (R-NY-3); 7) Michele Bachman (R-MN-6); 8) Dave Camp (R-MI-4); and 9) Darrell Issa (R-CA-49). (Case Number DHS/OS/PRIV 11-0203)
- On December 3, 2010, **David Codrea**, a self-proclaimed journalist with the *Examiner.com* in Hudson, Ohio, requested from the Department of Homeland Security (DHS) all documents containing information regarding the following topic: Memo/administrative directive by Department of Homeland Security Secretary Janet Napolitano claiming “full support of the President” that classifies “any person who ‘interferes’ with TSA airport security screening procedure protocol and operations by actively objecting to the established screening process, ‘including but not limited to the anticipated national opt-out day’ as a ‘domestic extremist.’” (Case Number DHS/OS/PRIV 11-0199).
- On December 3, 2010, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents sought under Canada’s Access to Information Act from Department of Foreign Affairs Canada seeking records and costs associated with Security and Prosperity Partnership (SPP) initiatives and working committees for 2006/2007. (Case Number DHS/OS/PRIV 11-0210).
- On December 3, 2010, **Ginger McCall**, Assistant Director with **Electronic Privacy Information Center (EPIC)** in Washington, D.C., requested from the Department of Homeland Security (DHS) documents concerning the development and deployment of “body scanner” (or “Whole Body Imaging,” “Advanced Imaging Technology,” “Millimeter Wave,” or “Backscatter”) technology by law enforcement agencies in surface transit and in street-roaming vans. (Case Number DHS/OS/PRIV 11-0214).
- On December 3, 2010, **Jennifer Lynch**, Staff Attorney with **Electronic Privacy Information Center (EPIC)** in Washington, D.C., requested

from the Department of Homeland Security (DHS) the following records: 1) All complaints from travelers submitted to the DHS concerning new screening procedures at airports including the "enhanced pat down" procedure and body scanners; 2) Any internal agency communications leading to the resolution of such complaints; and 3) Any agency follow-up or formal response to individuals submitting such complaints. (Case Number DHS/OS/PRIV 11-0232).

- On December 7, 2010, **Marcus Baram**, Senior Editor for the *Huffington Post* in New York, New York, requested from the Department of Homeland Security (DHS), Office of General Counsel (OGC), Office of Policy (PLCY), U.S. Customs and Border Protection (CBP), and the United States Coast Guard (USCG) all records and notes on the WikiLeaks organization. (Case Number DHS/OS/PRIV 11-0245/Baram Request).
- On December 7, 2010, **Adam Linhardt**, a Police/Courts/Military reporter with the *Key West Citizen* in Key West, Florida, requested from the United States Coast Guard (USCG) the investigative report that was submitted to Coast Guard Headquarters from Sector Key West in October 2010, that dealt with a young girl who was bitten by a fish while snorkeling or swimming from a charter vessel in Key West. (Case Number 2011FOIA0815).
- On December 8, 2010, **Lee Wang**, a representative of the **Investigating Reporting Program, University of California at Berkeley, Graduate School of Journalism** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to all detainees held in detention facilities in the state of Louisiana during the years 2005 to present. (Case Number 2011FOIA2749).
- On December 8, 2010, **Penny Starr**, a senior staff writer with *Cybercast News Service* in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) data about Other Than Mexicans (OTM) or OTMs that have been in ICE custody for the Fiscal Year 2009. (Case Number 2011FOIA3782).
- On December 9, 2010, **Vallery Brown**, a staff reporter with *The Oklahoman* in Oklahoma City, Oklahoma, requested from U.S. Immigration and Customs Enforcement (ICE) the following records regarding illegal aliens arrested and deported in the state of Oklahoma from 2000 through present: 1) Voluntary returns and forced deportations as well as breakdowns of countries the aliens are; and 2) Cases referred to federal prosecutors, including reentry cases and other immigration-related crimes. (Case Number 2011FOIA3798).
- On December 9, 2010, **Marcus Stern**, a reporter with *Propublica* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the text or substance and dates of all grievances filed in 2009 and 2010 by detainees, detainee family members, detainee visitors or staff at the following detention facilities: 1) Willacy Detention Center; 2) T. Don Hutto Residential Center; 3) Houston



Contract Detention Facility; 4) Laredo Contract Detention Facility; 5) Stewart Detention Center; and 6) Krome Service Processing Center. (Case Number 2011FOIA3803).

#### Late Requests

- On November 24, 2010, United States Citizenship and Immigration Services (USCIS) referred to the Department of Homeland Security (DHS) a request from **Susan Gamboa**, a reporter with *The Associated Press* in Washington, D.C., seeking records of the agency from January 2007 through the end of February 2009 regarding proposals for administrative alternatives to comprehensive immigration reform. (Case Number DHS/OS/PRIV 11-0239).
- On November 24, 2010, **David Shapiro**, a Staff Attorney with the **American Civil Liberties Union Foundation (ACLU) National Prison Project** in Washington, D.C., requested from the Department of Homeland Security (DHS) all Death in Detention Records regarding ICE Detainees. (Case Number DHS/OS/PRIV 11-0219).
- On November 28, 2010, **Michael Ravnitzky** in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) all computer records of Larry Orluskie that contain the phrase "talking points." (Case Number DHS/OS/PRIV 11-0141).
- On November 30, 2010, **Joshua Evans**, a representative with **Public Records Strategies** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies correspondence between DHS's Office of the Director [sic] and Rahm Israel Emanuel from 2002 to the present. (Case Number DHS/OS/PRIV 11-0225).
- On November 30, 2010, **Scott MacFarlane**, a reporter with *Cox TV* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all electronic mail sent and/or received by Secretary Janet Napolitano between January 1, 2010 and November 30, 2010. (Case Number DHS/OS/PRIV 11-0220).
- On December 1, 2010, **Scott MacFarlane**, a reporter with *Cox TV* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of all grant applications filed during 2009 and 2010 by representatives of the cities of: 1) Dayton, OH; 2) Wheeling, WV; 3) Pittsburgh, PA; 4) Johnstown, PA; 5) Altoona, PA; 6) Charlotte, NC; 7) Atlanta, GA; 8) El Paso, TX; and 9) Las Cruces, NM. (Case Number DHS/OS/PRIV 11-0221).
- On December 1, 2010, **Scott MacFarlane**, a reporter with *Cox TV* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of any and all employee handbooks for employees of U.S. Customs and Border Protection. (Case Number DHS/OS/PRIV 11-0223).
- On December 1, 2010, **Scott MacFarlane**, a reporter with *Cox TV* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of any and all emails from the Secretary of the Department of Homeland Security, Janet Napolitano between January 1,

2010 and November 30, 2010, which contain any of the following terms: 1) Silvestre Reyes; 2) Cornyn; 3) El Paso; 4) Juarez; 5) Robert Byrd; 6) West Virginia; 7) Dayton; and 8) Charlotte. (Case Number DHS/OS/PRIV 11-0224).

- On December 2, 2010, **Larry Bush**, a journalist in San Francisco, California, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) The Agency directive on implementing President Obama's January 21, 2009, Executive Order on Open Government and Attorney General Eric Holder's guidance for federal agencies on Freedom of Information Act, including the offices that received the guidance; 2) Agency guidance on fees that can be charged for FOIA responses; 3) Agency contracts for any and all aspects of Agency policy and implementation of FOIA and FOIA responses, including searches, reviews, policy guidance and related issues; and 4) Agency billings in 2008, 2009 and 2010, for the contract work performed under Item 3. (Case Number 2011FOIA0660). As reported last week, similar requests were also submitted to the United States Coast Guard (USCG), Transportation Security Administration and United States Citizenship and Immigration Services.

### III. FOIA Appeals

- NSTR

### IV. FOIA Releases

- On December 3, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Alexander Knapp**, a videographer with **Cybercast News Service** in Alexandria, Virginia, 32 pages of records responsive to his request seeking copies of any records pertaining to the immigration status or enforcement action taken in regards to Nicky Diaz Santillan, the former housekeeper of California Gubernatorial Candidate Meg Whitman. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number 2011FOIA1308).
- On December 3, 2010, the Department of Homeland Security (DHS) released to **Jim McElhatton**, a reporter with *The Washington Times* in Alexandria, Virginia, 104 pages pertaining to his request seeking written correspondence from Members of Congress to NOAA, along with agency responses, pertaining to the Deepwater Horizon oil spill in the Gulf of Mexico. These records were released in full.
- On December 7, 2010, United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal**, a journalist in New York, New York, 11 pages responsive to her request seeking all correspondence and petitions between USCIS, the Department of States (DOS), and the United States Embassy in Guatemala pertaining to two Guatemalan sisters, (b)(6) who were



kidnapped and then placed for adoption. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(6), and (b)(7)(C).

- On December 7, 2010, United States Citizenship and Immigration Services (USCIS) released to **Michael Ravnitzky** in Silver Spring, Maryland, 77 pages pertaining to his request seeking reports from the Department of Homeland Security (DHS) to Congress or a Congressional Committee, between January 1, 2008 and the present, which had not been posted on the DHS website. These records were released in full.
- On December 8, 2010, U.S. Immigration and Customs Enforcement (ICE) issued a full denial to **Julie Axelrod**, a representative of **Judicial Watch** in Washington, D.C., in response to her request seeking copies of all records of the Pasadena Police Department contacting ICE regarding possible immigration law violations. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA804).
- On December 8, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter from the *Center for Investigative Reporting* in Berkeley, California, 12 pages pertaining to his request seeking copies of records containing the number of voluntary returns, departures, and withdrawals for fiscal years 2007, 2008, 2009, and 2010. These records were released in full.
- On December 8, 2010, United States Citizenship and Immigration Services (USCIS) released to **E.J. Graff**, a representative of *The Schuster Institute for Investigative Journalism* in Waltham, Massachusetts, 24 pages pertaining to their request seeking all records, reports, complaints, inquiries and investigations regarding (b)(6). Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).
- On December 8, 2010, United States Citizenship and Immigration Services (USCIS) released to **E.J. Graff**, a representative of *The Schuster Institute for Investigative Journalism* in Waltham, Massachusetts, 13 pages pertaining to their request seeking any reports, complaints, records, memos, statistical data made available to USCIS from government agencies, medical facilities, NGO's or elsewhere- suggesting irregularities in the intercountry adoption process of Guatemalan children. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On December 8, 2010, United States Citizenship and Immigration Services (USCIS) released to **E.J. Graff**, a representative of *The Schuster Institute for Investigative Journalism* in Waltham, Massachusetts, 51 pages pertaining to his request seeking all reports related to the August 2007 police and Guatemalan Attorney General's Office raids on the Casa Quivira children's home in Guatemala. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On December 8, 2010, United States Citizenship and Immigration Services (USCIS) released to **Paul Higbee, Jr.**, an attorney from Cumming, Georgia, 54 pages pertaining to his request seeking correspondence, memos, and other information pertaining to the USCIS

Verification Division. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).

- On December 8, 2010, the United States Coast Guard (USCG) released to **John Myers**, a reporter with the *Duluth News Tribune* in Duluth, Minnesota, 73 pages pertaining to his request for the name, age and hometown of a deceased kayaker found during a USCG search and rescue on September 10, 2010. These records were released in full. (Case Number 2010FOIA3589).
- On December 9, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a staff reporter with the *Center for Investigative Reporting* in Berkeley, California, 12 pages of documents responsive to his request seeking information on the number of voluntary returns dating back to FY 2007. These records were released in full. (Case Number 2011FOIA1310).
- On December 9, 2010, the Department of Homeland Security (DHS) released to **Thomas Brune**, a reporter with the Washington Bureau of *Newsday* in Washington, D.C., 315 pages of correspondence logs pertaining to his request seeking copies of logs of correspondence reflecting communications with Representative Peter King (NY) and Senator Charles Schumer (NY) from January 1, 2008 to present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6).
- On December 9, 2010, the Department of Homeland Security (DHS) released to **Scott MacFarlane**, a reporter with *Cox TV* in Washington, D.C., 22 pages of correspondence logs pertaining to his request seeking a log of correspondence from the Secretary of Homeland Security to Members of Congress. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(6).

## V. Lawsuits

- In the matter of *Judicial Watch v. Department of Homeland Security (DHS)*, (USDC DC 10-0254-EGS), Plaintiff filed a complaint December 2, 2010, claiming constructive denial pertaining to their request for copies of the report prepared at the direction of the DHS Secretary related to Carlos Martinelly-Montano, an unlawfully present alien charged with killing a Benedictine nun and injuring two others in an August 2010 drunk driving incident in Prince William County, Virginia.



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of December 10, 2010 – January 7, 2011

### Privacy Office

December 20, 2010

### Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On December 10, 2010, United States Citizenship and Immigration Services (USCIS) [posted](#) a policy memorandum entitled “Adjudication of EB-5 Regional Center Proposals and Affiliated Form I-526 and Form I-829 Petitions; Adjudicators Field Manual (AFM) Update to Chapters 22.4 and 25.2 (AD09-38)” on its public site for comment by customers and stakeholders. The commenting period ends on January 21, 2011.
  - On December 13, 2010, the Office for Civil Rights and Civil Liberties (CRCL) went live with its [website](#). The website contains a variety of information to include CRCL annual and quarterly reports to Congress, CRCL Impact Assessments, EEO Reports, No Fear Act Reports and a multitude of other information.
  - On December 16, 2010, the DHS Privacy Office (PRIV) updated the Department’s FOIA [website](#) with additional pro-active disclosures, adding Under Secretary for Science & Technology O’Toole’s calendar for October and November 2010, two policy memoranda and the purchase cardholder listing.
- II. FOIA Requests**
- On December 10, 2010, **Aaron Swartz**, a blogger for *Muckrock.com* in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) any records related to domain name seizures by the DHS and U.S. Immigration and Customs Enforcement (ICE) including, but not limited to, the domain names: TVSHACK.NET, MOVIES-IINKS.TV, FILESPUMP.COM, NOW-MOVIES.COM, PLANETMOVIEZ.COM, THEPIRATECITY.ORG, ZML.COM, 2009jerseys.com, 51607.com, amoyhy.com, b2corder.com, bishoe.com, borntrade.com, borntrade.net, boxedtvseries.com, boxset4less.com, boxsetseries.com, burberryoutletshop.com, burberryoutlet-us.com, cartoon77.com, cheapscarfshop.com, coachoutletfactory.com, dajaz1.com, discountscarvesonsale.com, dvdcollectionsale.com, dvdcollects.com, dvdorderonline.com, dvdprostore.com, dvdsollection.com, dvdsetcollection.com, dvdsetonline.com, dvdsuperdeal.com, eluxuryoutlet.com, getdvdset.com, gofactoryoutlet.com, golfstaring.com, golfwholesale18.com, handbag9.com, handbagcom.com, handsbagpop.com, icqshoes.com, ipodnanouk.com, jerseychina.com, jerseyclubhouse.com, jordansbox.com, lifetimereplicas.com, louis-vuitton-outletstore.com, louisvuittonoutletstore4u.com, louisvuittonoutletstores2u.com, lv-outlets.com, lvoutlets.net, lv-outletstore.com, massnike.com,



merrytimberland.com, mycollects.com, mydreamwatches.com, mygolfwholesale.com, mytend.com, nfljerseysupply.com, nibdvd.com, nystylerolex.com, odvdo.com, oebags.com, onsmash.com, overbestmall.com, rapgodfathers.com, realtimberland.com, rmx4u.com, scarfonlineshop.com, scarvesviponsale.com, shawl-stor.com, silkscarfonsale.com, silkscarf-shop.com, skyergolf.com, sohob2b.com, sohob2c.com, storeofeast.com, stuff-trade.com, sunglasses-mall.com, sunogolf.com, tbl-sports.com, thelouisvuittonoutlet.com, throwbackguy.com, tieonsale.com, timberlandlike.com, topabuy.com, torrent-finder.com, usaburberryscarf.com, and usaoutlets.net. (Case Number DHS/OS/PRIV 11-0255).

- On December 10, 2010, **Kevin Wisniewski**, a journalist with *WTVF/Newschannel* in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) copies of all records maintained by DHS concerning Barrett Enterprises, LP., Barrett Ammo, LLC., Barrett Firearms Manufacturing, Barrett Firearms USA and the weapons made by these companies in Murfreesboro, Tennessee. (Case Number DHS/OS/PRIV 11-0256).
- On December 11, 2010, **Sarah Weber**, a staff writer for the *Sandusky Register* in Sandusky, Ohio, requested from U.S. Customs and Border Protection (CBP) the following records: 1) Any and all Reports of Investigation (Form G-166F) filed by Officers of the Sandusky Bay Station of U.S. Border Patrol from January 2009 to present; 2) Any and all Reports of Apprehension of Seizure (Form I-44) filed by Officers of the Sandusky Bay Station of U.S. Border Patrol from January 2009 to present; 3) Any and all Record of Deportable/Inadmissible Aliens (Form I-213) filed by Officers of the Sandusky Bay Station of U.S. Border Patrol from January 2009 to present. (Case Number CBP FOIA #2011F00300 and 2010F05774).
- On December 14, 2010, **Scott MacFarlane**, a reporter with *COX TV* in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of the following correspondence to and from Secretary Janet Napolitano: 10-1312, 09-0829, 09-0080, 09-0804, and 09-0649. (Case Number DHS/OS/PRIV 11-0257).
- On December 14, 2010, **Michael Ravnitzky** from Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of the contents of the administrative processing file/folder, including emails, notes, memos, etc. associated with prior FOIA Request 11-0062. (Case Number DHS/OS/PRIV 11-0267).
- On December 14, 2010, **R. Samuel Williams, Jr.**, President and CEO of **International Design Services Inc.**, in Powder Springs, Georgia, requested from the United States Coast Guard (USCG) copies of images and texts related to the “idea or Alternate Response Technology for containing the Source or Spill in support of the Deepwater Horizon Incident.” (Case Number 2011FOIA0878).

#### Late Requests

- On November 30, 2010, **Robert Deasy**, Director, Liaison & Information with **American Immigration Lawyers Association National Office** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) records relating to USCIS training materials provided to or used while instructing employees of U. S. Customs and Border Protection (CBP) including those used by USCIS service centers for training, providing advice, or guiding employees of CBP. (Case Number COW2010000626).
- On November 30, 2010, **Robert Deasy**, Director, Liaison & Information with **American Immigration Lawyers Association National Office** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) the following: 1) A list of all standard operating procedures and the date of publication of each; 2) The dates of all updates to include all field manuals; and 3) A list of all standard operating procedures and field manuals in the planning stage and their projected date of publication. (Case Number COW2010000628).
- On November 30, 2010, **Robert Deasy**, Director, Liaison & Information with **American Immigration Lawyers Association National Office** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) all guidance issued by USCIS that explains when USCIS will adopt U. S. Customs and Border Protection's (CBP) interpretation of facts and laws and deny H-1B petitions forwarded to USCIS by CBP without a Request for Evidence or Notice of Intent to Deny. (Case Number COW2010000629)
- On November 30, 2010, **Robert Deasy**, Director, Liaison & Information with **American Immigration Lawyers Association National Office** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) all guidance issued by USCIS that explains when USCIS will adopt U. S. Customs and Border Protection's (CBP) interpretation of facts and laws and deny L-1 petitions forwarded to USCIS by CBP without a Request for Evidence or Notice of Intent to Deny. (Case Number COW2010000630).

### III. FOIA Appeals

- On December 3, 2010, **Emily Carey**, Program Coordinator for the **American Civil Liberties Union (ACLU) of New Mexico** in La Cruces, New Mexico, appealed the response from U.S. Customs and Border Protection (CBP) denying her request for a fee waiver related to her request for documents pertaining to injuries and deaths of border patrol agents in the line of duty.
- On December 2, 2010, **Gregory Korte**, a staff writer with **USA TODAY**, in Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP) that partially denied his request for records concerning a Recovery Act contract with Eyak Technology LLC. Mr. Korte is contesting the use of Exemption (b) (4) and that the responsive



records did not include information regarding the contract's scope or specifications.

#### IV. FOIA Releases

- On December 10, 2010, U.S. Customs and Border Protection (CBP) released to **Sean Riordan**, a Staff Attorney with the **American Civil Liberties Union (ACLU) San Diego and Imperial Counties**, in San Diego, California, 7 pages in response to his appeal regarding his request seeking policies and procedures on apprehension of immigrants, processing of individuals in CBP custody, repatriation of individuals and filing of grievances. Portions of this response are withheld pursuant to FOIA exemptions (b)(2),(b)(6),(b)(7)(C) and (b)(7)(E).
- On December 13, 2010, the Department of Homeland Security (DHS) Office of Intelligence and Analysis issued to **Rene Alvarado**, Director of Membership with **American Small Business League** in Petaluma, California, a no records determination pertaining to his request seeking records that mention Lloyd Chapman and or the American Small Business League, from the Department of Homeland Security Office of Intelligence and Analysis (Case Number 11-OIA-0010).
- On December 14, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter from the *Houston Chronicle* in Houston, Texas, 59 pages responsive to her request seeking copies of correspondence regarding Corrections Corporation of America (CCA). Portions of this response are withheld pursuant to FOIA exemptions (b)(5) and (b)(6).
- On December 14, 2010, the United States Coast Guard (USCG) released to **Claudette Juska**, a research specialist with **Greenpeace** in Washington, D.C., 4 pages responsive to her request seeking records concerning communications between the USCG and ExxonMobil, Shell Oil, and/or ConocoPhillips regarding the safety of oil rigs in the Gulf of Mexico and/or blowout preventers. Portions of this response are withheld pursuant to FOIA exemption (b)(6).
- On December 15, 2010, the Department of Homeland Security (DHS) released to **David Barr**, a representative with the **Democratic National Committee** in Washington, D.C., one record in response to a request for records of communications with specific Members of Congress. The document was released in full.
- On December 17, 2010, the Department of Homeland Security (DHS) released to **Joshua Israel**, Project Coordinator with the **Center for Public Integrity** in Washington, D.C., a 53-page log of FOIA requests covering requests received from July 1, 2010 to the date of the request. Portions of this response are withheld pursuant to FOIA exemptions (b)(2)(high) and (b)(6).
- On December 20, 2010, United States Citizenship and Immigration Services (USCIS) will release to **E.J. Graff** from **The Schuster Institute for Investigative Journalism** in Waltham, Massachusetts, 54 pages

responsive to their request for all reports related to the August 2007 police and Guatemalan Attorney General's Office raids on the Casa Quivira children's home in Guatemala. Portions of this response are withheld pursuant to FOIA exemptions (b)(5) and (b)(6).

- On December 20, 2010, United States Citizenship and Immigration Services (USCIS) will release to **Byron Harris**, a journalist for **WFAA-TV** in Dallas, Texas, 107 pages responsive to his request seeking the number of H-2B petitions applied for and granted to San Antonio Aerospace and Mobile Aerospace Engineering for the last five years. These records were released in full.
- On December 20, 2010, the United States Coast Guard (USCG) will release to **David Kennedy**, Program Coordinator with **Boat U.S. Government Affairs** in Alexandria, Virginia, 234 pages responsive to his request seeking a list of all waters under Federal Jurisdiction in the First Coast Guard District. These records were released in full.
- On December 20, 2010, the Department of Homeland Security (DHS) will release to **Robert O'Harrow**, a reporter with **The Washington Post** in Washington, D.C., 396 pages of procurement records responsive to his request seeking documents relating to the Advance Spectroscopy Portals (ASP) Program to specifically include documents provided by DHS to the Government Accountability Office. Portions of this response are withheld pursuant to FOIA exemptions (b)(4) and (b)(6).
- On December 20, 2010, United States Citizenship and Immigration Services (USCIS) will release to **Walter F. Roche**, a reporter from **The Pittsburgh Tribune-Review** in Pittsburgh, Pennsylvania, 401 pages responsive to his request seeking copies of all emails, memos or correspondence relating to the authorization or requested authorization for the transport and admission of children from orphanages in Haiti to the United States following the January 12, 2010 earthquake. Portions of this response are withheld pursuant to FOIA exemptions (b)(5) and (b)(6).
- On December 21, 2010, the Office of Inspector General (OIG) will release to **David Perera**, a journalist with **Fierce Government IT** in Washington, D.C., 74 pages responsive to his request seeking ) a copy of OIG report #OIG-10-103, entitled "Special Review of the Science and Technology Directorate's Contracts with a Small Business." Portions of this response are withheld pursuant to FOIA exemptions (b)(4), (b)(6), and (b)(7)(A).

## V. Lawsuits

- NSTR



## **FOIA Exemptions**

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

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

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

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

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

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

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

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

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of December 24 - 31, 2010

### Privacy Office

January 3, 2011

### Weekly FOIA Report

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

- On December 17, 2010, United States Citizenship and Immigration Services (USCIS) announced that they have proposed a final rule in the Federal Register regarding the E-2 Commonwealth of the Northern Mariana Islands (CNMI) Investor Visa, which allows foreign long-term investors to reside in the CNMI through December 2014. Petitions for the classification will be accepted beginning January 18, 2011. The announcement also provided information about the visa, including eligibility and cost.
- On December 20, 2010, United States Citizenship and Immigration Services (USCIS) posted an interim policy memorandum regarding a model plan for administrative naturalization ceremonies on its public website for review and feedback. Comments are due by January 20, 2011.
- On December 21, 2010, United States Citizenship and Immigration Services (USCIS) posted a reminder to Haitian nationals that the deadline to register for the Temporary Protected Status (TPS) is January 18, 2011. The reminder was posted in French and Creole.
- On December 22, 2010, United States Citizenship and Immigration Services (USCIS) posted a revised form N-648, Medical Certification for Disability Exceptions, on its public website. This form is for individuals with disabilities who are seeking exceptions from the English and civics requirements for naturalization. The form was revised after extensive collaboration with a variety of groups and the revisions are intended to provide clarification and standardization to the process. USCIS will begin to hold information sessions with stakeholders in January about the changes; online videos will also be made available. USCIS also posted the interim guidance to personnel on its public website for review and feedback on the same day; comments are due by January 21, 2011.

#### II. **FOIA Requests**

- On December 23, 2010, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all records of communication between the Department of Homeland Security and the White House Office of Faith-based and Neighborhood Partnerships including but not limited to emails, letters or other communication to and from Joshua DuBois or any member of his staff. (Case Number DHS/OS/PRIV 11-0285).
- On December 23, 2010, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from U.S. Immigration and



Customs Enforcement (ICE) copies of all DHS Weekly Cabinet Reports to the White House from July 7, 2009 through November 3, 2010. (Case Number 2011FOIA4277).

- On December 23, 2010, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) copies of all DHS Weekly Cabinet Reports to White House created between November 3, 2010 through the date this request is processed. (Case Number DHS/OS/PRIV 11-0288).
- On December 28, 2010, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all reports of significant FOIA activity received from all DHS component FOIA offices by the DHS Privacy Office in November of 2010. (Case Number DHS/OS/PRIV 11-0305).
- On December 28, 2010, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of each weekly submission of significant FOIA activity sent from the Office of Intelligence and Analysis (I&A) to the DHS Privacy Office. (Case Number DHS/OS/PRIV 11-0306).
- On December 29, 2010, **Michael Whitney**, a reporter with the **Snohomish County Tribune** in Snohomish, Washington, requested from the Federal Emergency Management Agency (FEMA) copies of CLOMR applications filed by South Snohomish Urban Growth Area Landowners Group (SSUGA). (Case Number 11-159).
- On December 29, 2010, **Tom Spalding**, a reporter with the **Indianapolis Star** in Indianapolis, Indiana, requested from the Federal Emergency Management Agency (FEMA) records regarding USAR task force. (Case Number 11-165).

#### Late Requests

- On December 10, 2010, **Thomas Cincotta**, an attorney with **Publiceye.org**, in Somerville, Massachusetts, requested from the Federal Emergency Management Agency (FEMA) a copy of certifications of private counter terrorism training organizations' eligibility to receive Homeland Security Grant Program Funds. (Case Number 11-131).
- On December 10, 2010, **Dorothy Harden**, an attorney in Key Largo, Florida, requested from the Federal Emergency Management Agency (FEMA) records regarding National Flood Insurance Program Policies for a list of individuals in Tavernier, Florida. (Case Number 11-132).
- On December 10, 2010, **Renee Loh**, Director of the North Dakota Firefighters Association on Bismarck, North Dakota, requested from the Federal Emergency Management Agency (FEMA) a copy of the recent SAFER grant that was awarded to the Finley Fire Department, Finley, North Dakota. (Case Number 11-137).
- On December 10, 2010, **Stewart Kirby**, an individual in Conway, Arkansas, requested from the Federal Emergency Management Agency

(FEMA) a copy of the case file for LOMA-DEN # 03-06-2953A dated November 7, 2003. (Case Number 11-130).

- On December 13, 2010, **Ryan Reilly**, a journalist with *Talking Points Memo* in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of any report, draft, or record of an inquiry into the ICE Office of Professional Responsibility's probe of whether any federal official leaked the immigration status of Zeituni Onyango, the Aunt of President Barack Obama, ahead of the 2008 election. (Case Number 2011FOIA3935).
- On December 14, 2010, **Steven van Beverhoudt**, Inspector General, US Virgin Islands, requested from the Federal Emergency Management Agency (FEMA) the following records: 1) Copies of claims for reimbursement submitted by the Virgin Islands Department of Public Works for Debris Removal; and 2) Copies of claims for reimbursement submitted by the Virgin Islands Waste Management Authority for Debris Removal. (Case Number 11-163).
- On December 14, 2010, **Dale Parrish**, Fire Chief of the Skiatook Fire Department, Skiatook, requested from the Federal Emergency Management Agency (FEMA) a list of Oklahoma fire departments, organizations, and entities that have received turn down notices on their 2010 AFG applications as of November 11, 2010. (Case Number 11-135).
- On December 14, 2010, **Benjamin Smith**, an individual, requested from the Federal Emergency Management Agency (FEMA) a copy of a FEMA report of a Soviet bloc roll/on roll off ship in Wilmington, North Carolina. (Case Number 11-134).
- On December 15, 2010, **Benedict Rousselle**, an individual, requested from the Federal Emergency Management Agency (FEMA) correspondence to Plaquemines Parish (Louisiana) Government concerning approximately \$21 million dollars of mandatory flood insurance reductions for uninsured or under insured flood-damaged facilities owned by Plaquemines Parish due to Hurricane Katrina. (Case Number 11-141).
- On December 15, 2010, **Marcus Skelton**, Program Advisor, Grants Resource Center with the **American Association of State Colleges and Universities**, in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) funding proposals for the 2009 state and local training program for the University of Nevada, Las Vegas and Western Oregon University. (Case Number 11-143).
- On December 16, 2010, **Henry Shuck**, an individual from Vancouver, Washington, requested from the Federal Emergency Management Agency (FEMA) the following records: 1) the organizational chart for the Office for the Chief Information Officer; and 2) the organizational chart for the Information Technology Division of FEMA. (Case Number 11-145).
- On December 16, 2010, **Nusrat Choudhury**, a Staff Attorney with the **American Civil Liberties Union (ACLU)**, in New York City, New York, on behalf of the ACLU and **Muslim Advocates**, requested from the



Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) all records, policies, and directives created since September 11, 2001, regarding CBP's authority to question U.S. Citizens and legal residents about protected religious and political beliefs. (Case Number DHS/OS/PRIV 11-0292 and CBP FOIA # 2011F04125).

- On December 16, 2010, **Nura Maznavi**, representative of **Muslim Advocates** in San Francisco, California, and **Nusrat Choudhury**, a Staff Attorney with the **American Civil Liberties Union (ACLU)**, **Muslim Advocates** in New York City, New York, requested from the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) the following records: 1) Any and all records concerning or relating to five different individuals, including, but not limited to, records regarding the questioning of each during inspection at ports of entry about their political or religious beliefs, or associations, religious practices, and/or religious charitable giving, and each of their responses to any such questions; 2) Any and all records explaining the government's basis for stopping and questioning, including, but not limited to, intelligence directives, watch lists, and/or communication or intelligence from other law enforcement agencies; and 3) Any and all records setting forth, discussing, and/or clarifying how information collected during questioning at the border has been recorded and/or reported to, entered into, shared and/or disseminated, through databases or by other means, to DHS components or government agencies, including the FBI and the National Security Agency, or to persons or entities outside the government, including state, local, or foreign law enforcement and intelligence agencies. (Case Number DHS/OS/PRIV 11-0293 and 2011F04037; 2011F04044; 2011F04045; 2011F04047; and 2011F04048).
- On December 17, 2010, **Nate Jones**, a representative of **The National Security Archive** in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of the ten oldest pending perfected FOIA requests at the end of FY 2010 (October 1, 2009 through September 30, 2010). (Case Number DHS/OS/PRIV 11-0277).
- On December 17, 2010, **Alison Young**, a reporter with **USA TODAY** in McLean, Virginia, requested from the Department of Homeland Security (DHS) the following records relating to failures of the joint DHS/TSA/CDC "Do Not Board" list to stop passengers deemed serious health risks from boarding commercial flights: 1) All after-action reports (or similar look-back, failure analysis documents) and any attachments or related documents that assessed what went wrong for each incident in which the Do Not Board list failed to stop a listed individual from flying; 2) Any emails, correspondence or other documents about failures of the Do Not Board list, including whether failures of the Do Not Board list indicate vulnerabilities to the terrorism No Fly and other terrorism watch lists; 3) Any recommendations or plans to improve, strengthen or fix issues with the Do Not Board list; 4) All emails, correspondence or other documents about any incident in which there was any question raised or

issue about delays or lag times between when CDC determined a person should be barred from travel and when the person was put onto DHS/TSA's computerized DNB list that is/was used to check against airline passenger information; 5) All emails or correspondence involving any questions raised by DHS to the listing of an individual on the Do Not Board list; 6) Any reports, emails, memos or other documents about the effectiveness of the Do Not Board list; and 7) All emails, correspondence, public relations memos or strategy documents relating to *USA TODAY's* reporting (which began in December 2010) about failures of the Do Not Board list. (Case Number DHS/OS/PRIV 11-0278)

- On December 20, 2010, **Bruce Edward Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) all records concerning the routing and discussion of FOIA request 10-374. (Case Number 11-150).
- On December 20, 2010, **Jeremy Redmon**, a reporter with *The Atlanta Journal Constitution* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) copies of records relating to the deaths of the following three ICE detainees: 1) Robert Martinez Medina; 2) Pedro Gumayagay; and 3) Nhung Vargas). (Case Number 2011FOIA4046).
- On December 20, 2010, **Jeremy Redmon**, a reporter with *The Atlanta Journal Constitution* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all 2009 and 2010 inspections, audits, annual reviews, and detention center compliance reviews of the Irwin County Detention Center in Georgia, and all plans of action relating to those inspections. (Case Number 2011FOIA4264).
- On December 20, 2010, **Jeremy Redmon**, a reporter with *The Atlanta Journal Constitution* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all contracts, agreements, or memoranda of understanding concerning the placement of ICE detainees at the Irwin County Detention Center in Georgia. (Case Number 2011FOIA4265).
- On December 20, 2010, **R. M. Tipton**, Special Assistant to the Mississippi Attorney General in Jackson, Mississippi, requested from the Federal Emergency Management Agency (FEMA) all information, records, documents, reports, and other any data and documentary evidence generated by or available to the U.S. Department of Homeland Security (DHS), Office of Inspector General (OIG) that relate to the performance audit and review of the DHS-FEMA Public Assistance Grant Program (CDPA Program Number 97.036) in Mississippi and operations of the Mississippi Emergency Management Agency. (Case Number 11-160).
- On December 21, 2010, **Aaron Montoya**, a reporter with *The Ridgeway Sun* in Ridgeway, California, requested from U.S. Immigration and Customs Enforcement (ICE) a list of all aliens who have been returned to their countries of origin immediately after being detained at the Montrose County Jail in Colorado between FY 2005 and FY 2010. (Case Number 2011FOIA4188).



- On December 21, 2010, **Amrit Singh**, the Senior Legal Officer with the **Open Society Justice Initiative** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to post September 11, 2001, investigations, reports, reviews, studies, evaluations, or assessments regarding extra-judicial transfers. (Case Number 2011FOIA4217).
- On December 21, 2010, **Kevin Wisniewski**, a reporter with **News Channel 5** in Nashville, Tennessee, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding Barrett Enterprises, LP, Barrett Ammo, LLC, Barrett Firearms Manufacturing, Barrett Firearms USA and the weapons made by these companies. (Case Number 2011FOIA4210).
- On December 22, 2010, **Ginger McCall**, Assistant Director with **EPIC Open Government Project** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of all communication or agreements between the U.S. Government and corporations regarding the personal information of donors to WikiLeaks, and all communications between the U.S. Government and corporations regarding the personal information of individuals who accessed or attempted to access the WikiLeaks website or the November release. (Case Number 2011FOIA4276).
- On December 22, 2010, **Andrew Medici**, a reporter with **Federal Times** in Springfield, Virginia, requested from the National Protection and Programs Directorate (NPPD) copies of the aggregate numbers of incident reports filed by members of the Federal Protective Service while responding to incidents, making arrests, assisting local law enforcement and issuing citations at federal facilities, by building, state, and region. (Case Number NPPD11F060).

### III. FOIA Appeals

- On December 29, 2010, **Paul Gottlieb**, a reporter with the **Peninsula Daily News** in Port Angeles, Washington, appealed the response from U.S. Customs and Border Protection (CBP) to his request for the number of arrests made by Port Angeles Station, Blaine Sector, for Fiscal Year 2009 and Fiscal Year 2010. (Case Number 2010F16670).

### IV. FOIA Releases

- On December 13, 2010, the United States Coast Guard (USCG) released to **Jim Polson**, a reporter with **Bloomberg News** in New York, New York, 165 pages pertaining to his request for records concerning and oil spill involving the vessel EAGLE TOME on January 13, 2010 in Port Arthur, Texas. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6) and (b)(7). (Case Number 2010FOIA2244).
- On December 13, 2010, the United States Coast Guard (USCG) released to **Claudette Juska**, a representative of **Greenpeace** in Washington, D.C., 87 pages pertaining to her request for records concerning communications

or information that mention certain endangered and threatened species and species of concern in the Gulf region following the BP Deepwater Horizon disaster. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number 2010FOIA3006).

- On December 13, 2010, the United States Coast Guard (USCG) released to **Claudette Juska**, a representative of **Greenpeace** in Washington, D.C., 14 pages pertaining to her request for communications regarding turtles being killed in controlled oil burns in the Gulf of Mexico following the BP Deepwater Horizon disaster. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number 2010FOIA3007).
- On December 13, 2010, the United States Coast Guard (USCG) released to **Claudette Juska**, a representative of **Greenpeace** in Washington, D.C., 4 pages pertaining to her request for records concerning communication between the USCG and ExxonMobil, Shell Oil, and/or ConocoPhillips regarding the safety of oilrigs in the Gulf of Mexico and/or blowout preventers. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number 2010FOIA3005).
- On December 13, 2010, the United States Coast Guard (USCG) released to **Noah Wexler**, a representative of **Arnold & Itkin LLP** in Houston, Texas, one page pertaining to his request for a copy of all documents regarding a Deepwater Horizon cleanup vessel incident that occurred aboard the vessel JOE G JR on June 11, 2010. These records were released in full. (Case Number 2010FOIA3080).
- On December 13, 2010, the United States Coast Guard (USCG) released to **Sharon Theimer**, a reporter with *The Associated Press* in Washington, D.C., one page pertaining to her request for copies of any and all correspondence pertaining to a Coast Guard contractor that worked on the Gulf Oil Spill response team from April 21, 2010 to present. These records were released in full. (Case Number 2010FOIA3369).
- On December 16, 2010, United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal**, a freelance journalist in New York, New York, 11 pages responsive to her request seeking all correspondence and petitions between USCIS, the Department of State, and the United States Embassy in Guatemala pertaining to two Guatemalan sisters, who were kidnapped and the placed for adoption. Portions of this response were withheld pursuant to FOIA exemptions (b)(2), (b)(6), and (b)(7)(C). (Case Number NRC2009009432).
- On December 17, 2010, the United States Coast Guard (USCG) released to **David Kennedy**, a reporter with *BoatU.S. Government Affairs* in Alexandria, Virginia, 234 pages pertaining to his request for a list of all waters under Federal Jurisdiction in the First Coast Guard District. These records were released in full. (Case Number 2011FOIA0873).
- On December 20, 2010, the Department of Homeland Security (DHS) released to **Robert O'Harrow**, a reporter with *The Washington Post* in Washington, D.C., 396 pages of procurement records in response to a



request for records relating to the Advance Spectroscopy Portals (ASP) Program to specifically include documents provided by DHS to the Government Accountability Office. Portions of this response were withheld pursuant to FOIA exemptions (b)(4) and (b)(6).

- On December 21, 2010, United States Citizenship and Immigration Services (USCIS) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 77 pages of records responsive to his request seeking copies of each substantial report from Department of Homeland Security to Congress or a Congressional Committee from January 1, 2008 to present. These records were released in full. (Case Number COW2010000161).
- On December 20, 2010, United States Citizenship and Immigration Services (USCIS) released to **E.J. Graff**, a reporter with *The Schuster Institute for Investigative Journalism* in Waltham, Massachusetts, 51 pages of documents responsive to their request seeking all reports related to the August 2007 police and Guatemalan Attorney General's Office raids on the Casa Quivira children's home in Guatemala. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number NRC2009025906).
- On December 21, 2010, United States Citizenship and Immigration Services (USCIS) issued to **E.J. Graff**, a reporter with *The Schuster Institute for Investigative Journalism* in Waltham, Massachusetts, a full denial pertaining to their request seeking all records, reports, complaints, inquiries and investigations regarding a named individual. These pages were withheld in full pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number NRC2009025923).
- On December 21, 2010, United States Citizenship and Immigration Services (USCIS), released to **E.J. Graff**, a reporter with *The Schuster Institute for Investigative Journalism* in Waltham, Massachusetts, 13 pages responsive to their request seeking any reports, complaints, records, memos, statistical data made available to United States Citizenship and Immigration Services; from government agencies, medical facilities, NGO's or elsewhere-suggesting irregularities in the intercountry adoption process of Guatemalan children. Portions of this response were withheld pursuant to FOIA exemption (b)(6).
- On December 21, 2010, the Office of Inspector General (OIG) released to **David Perera**, a journalist with *Fierce Government IT* in Washington, D.C., the 74-page report #OIG-10-103, entitled "Special Review of the Science and Technology Directorate's Contracts with a Small Business." Portions of this response were withheld pursuant to FOIA exemptions (b)(4), (b)(6), and (b)(7)(A). (Case Number OIG FOIA #2010-166).
- On December 22, 2010, the United States Coast Guard (USCG) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, D.C., 39 pages pertaining to her request for records regarding resource request messages for equipment and materials. Portions of this response

were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number 2010FOIA3204).

- On December 22, 2010, the United States Coast Guard (USCG) released to **Anna Hrybyk**, with the **Louisiana Bucket Brigade** in New Orleans, Louisiana, 301 pages pertaining to her request for any documents containing the air monitoring results for offshore clean up vessels as well as all worker health incident reports from April 2010 to present day. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2760).
- On December 22, 2010, the Department of Homeland Security (DHS) released to **Remington Shepard**, a research associate with the **Service Employees International Union** in Washington, D.C., a copy of the contract awarded to Paragon Systems, Inc. Portions of this response were withheld pursuant to FOIA exemptions (b)(4) and (b)(6).
- On December 27, 2010, the Department of Homeland Security (DHS) released to **Marcas Baram**, Senior Editor with the **Huffington Post** in New York, New York, a 6-page log of correspondence produced from the Executive Correspondence Tracking (ECT) system responsive to his request for a log of correspondence pertaining to the WikiLeaks organization. Portions of this response were withheld pursuant to FOIA exemption (b)(6).
- On December 29, 2010, the United States Coast Guard (USCG) released to **Erik Potter** with **The Enterprise** in Brockton, Massachusetts, 24 pages of records responsive to his request seeking copies of all releasable records concerning the individuals who were with Mr. John M. Pina, Jr. when he died during a boating accident. These records were released in full.
- On December 29, 2010, the United States Coast Guard (USCG) released to **Anne Weismann**, Chief Counsel for **Citizens for Ethics and Responsibility in Washington** (CREW), and Damon Moglan, Global Warming Campaign Director for **Greenpeace** in Washington, D.C., 569 pages of records responsive to their request seeking any and all video feeds that capture the British Petroleum (BP), Deepwater Horizon oil spill, as well as documents referring to USCG communications concerning the use of dispersants, and all USCG Gaily Operations Reports. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).
- On December 30, 2010, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Susan Carroll**, a reporter with the **Houston Chronicle**, in Houston, Texas, 45 pages responsive to her request seeking a copy of the Balanced Workforce Strategy. These records were released in full.
- On December 30, 2010, U.S. Customs and Border Protection (CBP) released to **Karen Kaiser**, Counsel for **The Associated Press**, in Phoenix, Arizona, 41 pages of records responsive to their request and subsequent appeal seeking documents pertaining to: 1) Documents showing the



number of recorded breaches to fences and barriers along the U.S.-Mexico border during the last three fiscal years; 2) Documents showing the number of tunnels that were discovered along the U.S.-Mexico border during the last three fiscal years; 3) Documents addressing the impact of the National Guard on border security along the U.S.-Mexico border from May 2006 through July 2008; 4) Documents showing the number of “get-aways” at or near the U.S.-Mexico border during the last three fiscal years, and 5) documents considering solutions to drug smuggling along the U.S.-Mexico border. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(6), (b)(7)(C), and (b)(7)(E).

- On December 30, 2010, the Department of Homeland Security (DHS) Office of Intelligence and Analysis (I&A) released to **Jason Smathers**, a blogger for *Witness Unto Me* in Topock, Arizona, 31 pages of records responsive to his request seeking the following records: 1) Remarks, comments, notes, explanations, etc. made by DHS personnel or contractors about the processing of these requests (and appeals, if appropriate); 2) The invocation of exemptions, or related matters; to include any analysts' notes made during the processing of the requests; 3) Any standard worksheets completed by the Analysts; 4) Any justifications for exemption invocations or other supporting documentation provided to the Appeals Authority; 5) Any correspondence referencing the requests, including tasking orders, emails, and coordination documentation; and 6) Any records previously released to the original requesters in unredacted form may be excluded from this request. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), and (b)(6).

## V. Lawsuits

- In the matter of *Radeli Vishnevski, Maria Kirvalidze, Eugene Kirirkov v. Department of State, Department of Homeland Security*, (USDC Georgia CV-03199-WBD), Plaintiff filed a complaint on October 1, 2010, seeking declaratory injunctive, and other appropriate relief for violations of her and her son's individual, human, citizen, civil and associational rights under the Fourteenth Amendments to the United States Constitution.
- In the matter of *Electronic Frontier Foundation v. Department of Homeland Security*, (USDC ND California CV-10-5526), Plaintiff filed on December 6, 2010, claiming constructive denial pertaining to their request for records relating to the use of social-networking websites as investigative, surveillance, and data collection tools.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (SDNY. 10-3488), (Secure Communities), A hearing on the preliminary injunction was held on December 9, 2010. At that hearing, the judge ordered ICE to produce all opt-out records by January 17, 2011, and all other documents relating to the “Rapid Production List” by February 25, 2011. OPLA has set up a “war room” where staff from the ICE FOIA Office, OCR, ERO and OPLA, and FOIA

staff from other DHS components have been processing opt-out records since December 20, 2010.

- In the matter of *Families for Freedom, et al. v. CBP, et al.*, (SDNY 10-2705), On Thursday, December 23, 2010, the Court ordered ICE to provide additional information relating to the records produced in the supplemental response and declaration. Specifically, the Court wants ICE to search for 6-month reviews of the MOU, or a declaration explaining that there were no reviews.



## **FOIA Exemptions**

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

**Exemption 2:** internal agency 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