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FOIA Activity for the Week of December 29, 2008 – January 2, 2009
Privacy Office
January 6, 2009
Weekly FOIA Report

SECTION 7: FREEDOM OF INFORMATION ACT (FOIA) ACTIVITY

During the week of December 29, 2008, the Department of Homeland Security (DHS) and its Components, the U.S. Coast Guard (USCG) and Immigration and Customs Enforcement (ICE), received the following significant FOIA activity:

- On December 29, 2008, **Karen Ziner**, a reporter from *The Providence Journal* in Providence, Rhode Island, requested from Immigration and Customs Enforcement (ICE) copies of any and all records, files and documents pertaining to Hiu Lui Ng, a former detainee who died at Rhode Island Hospital on August 6, 2008, while in Wyatt/ICE custody to include copies of all inter-governmental agreements with the United States Marshals Service and Immigration and Customs Enforcement, as they pertain to the Donald W. Wyatt Detention Center in Central Falls, Rhode Island.
- On December 29, 2008, **Stephanie Czekalinski**, a reporter from *The Columbus Dispatch* in Columbus, Ohio, requested from Immigration and Customs Enforcement (ICE) the following: 1) copies of the contract between ICE and the Seneca County Sheriff's Office in Ohio for 2004 through 2008, 2) the contract between ICE and the Butler County Sheriff in Ohio, 3) a copy of any document showing the number of ICE detainees housed and transported annually by Seneca Co. Sheriff's Office from 2004 through 2008, and 4) a copy of any document showing the number of ICE detainees housed and transported annually by the Butler County Sheriff's Office from 2004 through 2008.

Late Entries:

- On December 22, 2008, **Brian Collister**, a reporter from *News 4 WOAI* in San Antonio, Texas, requested from Immigration and Customs Enforcement (ICE) a copy of the final report by the Detention Facilities Inspection Group (DFIG) team that reviewed compliance with ICE detention standards and made recommendations based on the results of its review of the South Texas Detention Complex.
- On December 24, 2008, **Rhiannon Meyers** of the *Galveston County Daily News* requested from the U.S. Coast Guard (USCG) an investigation report into the sinking of the CYNTHIA WOODS on June 6, 2008.

FOIA Activity for the Week of January 12-16, 2009

Privacy Office

January 20, 2009

Weekly FOIA Report

SECTION 7: FREEDOM OF INFORMATION ACT (FOIA) ACTIVITY

During the week of January 12, 2009, the Department of Homeland Security (DHS) and its Components, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS), reported the following significant FOIA activity:

- On January 12, 2009, **Sharon Theimer**, a reporter for *The Associated Press*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between DHS and former Arizona Governor Janet Napolitano (D-AZ) between January 1, 2004, and December 31, 2008.
- On January 12, 2009, **Valerie Burch**, staff attorney for the **American Civil Liberties Union of Pennsylvania**, in Harrisburg, Pennsylvania, requested from the Department of Homeland Security (DHS) records related to two clients, maintained within the DHS TRIP, NTC, ATS, TECS, NTIDB, and PARIS systems, as well as records related to the process for using these systems in order to make a final determination in relation to the individuals.
- On January 13, 2009, **Brendan Egan**, an attorney from the **American Civil Liberties Union** in Albuquerque, New Mexico, requested from Immigration and Customs Enforcement (ICE) all records relating to ICE detainee Saylab Hedayatullah, who passed away on or about November 25, 2008, while in the custody and care of the Otero County Processing Facility in Chaparral, New Mexico.
- On January 14, 2009, **Anirban Sen**, from **Electronic Privacy Information Center (EPIC)**, in Washington, D.C., requested the following from U.S. Citizenship and Immigration Services (USCIS) the following: 1) access to all records, including contracts and related documents, between DHS and National Public Radio (NPR) concerning the E-Verify promotion that began on November, 2008, and 2) and all records, including contracts and related documents, involving DHS and other media outlets concerning the promotion for E-Verify.
- On January 14, 2009, **Marcia Hoffman**, a Staff Attorney with the **Electronic Frontier Foundation** in San Francisco, California, requested from Customs and Border Protection (CBP) records relating to traveler complaints filed for searches of electronic devices or digital information during border crossings. The time period requested was from January 1, 2005, to the present.
- On January 15, 2009, **Gio Benitez**, an Investigative Producer with **WFOR-TV CBS4 News** in Miami, Florida, requested from Customs and Border Protection (CBP) all memorandums, letters, and correspondence referencing Brothers to the Rescue from January 1, 1996, through March 31, 1996.
- On January 16, 2009, **Elaine V. Morley**, CEO of **Lookout Services, Inc.** in Bellaire, Texas, requested from U.S. Citizenship and Immigration Services

(USCIS), a list of all employers participating in E-Verify as of January 8, 2009, including the name of the company and the contact name, address, and phone number for each participant.

Late Entry:

- On January 7, 2009, **Stokely Baksh**, from the **Investigative Reporting Workshop at American University School of Communication**, in Washington, D.C., requested from U.S. Citizenship and Immigration Services (USCIS), a list of employers who have been prosecuted and/or charged with employing illegal aliens between January 1, 1985, and the present, sorted by year and location. Specifically, the request seeks, for each employer, the names of individuals arrested and charged, a breakdown of charges and fines incurred by employer and actual fines paid by employer. The requester also seeks the total number of employer prosecutions per each year (1985-present) with regards to the employment of undocumented individuals.

FOIA Activity for the Week of January 19 - 23, 2009

Privacy Office

January 27, 2009

Weekly FOIA Report

SECTION 7: FREEDOM OF INFORMATION ACT (FOIA) ACTIVITY

During the week of January 19, 2009, the Department of Homeland Security (DHS) and its Components, the Office of Inspector General (OIG), and U.S. Immigration and Customs Enforcement (ICE), reported the following significant FOIA activity:

- On January 21, 2009, **Judy Rabinovitz**, Deputy Director for the **American Civil Liberties Union (ACLU) Immigrants' Rights Project**, in Baltimore, Maryland, requested from the Office of Inspector General (OIG), all records pertaining to government detainees who were detained six months or longer as of December 31, 2008.
- On January 21, 2009, **Justin Cox**, an attorney from **Casa de Maryland** in Baltimore, Maryland, requested from Immigration and Customs Enforcement (ICE) records relating to three specific immigration enforcement operations that occurred in the State of Maryland: 1) the operation on or about March 29, 2007, which resulted in the arrest of approximately 69 individuals for alleged immigration law violations at the offices of Jones Industrial Networking, as well as the following other business located in or around Baltimore City, Baltimore County, and Anne Arundel County, Maryland: Under Armour; Tessco Technology; Dixie Printing and Packaging Corporation; Pritchard Brown; BP Castro; C Steinweg; Baltimore Metal and Commodities; and Beacon Stevedoring, 2) the operation on or about July 12, 2007, which resulted in the arrest of approximately nine individuals for alleged immigration law violations and four for criminal law violations at the El Pollo Rico restaurant in Wheaton, Maryland, and 3) the operation on or about March 26, 2008, which resulted in the arrest of approximately twelve individuals for alleged immigration law violations at the Federal Drug Administration ("FDA") complex at or near 10921 New Hampshire Ave, White Oak, Maryland, 20903.
- On January 21, 2009, **Joan Friedland**, a representative of the **National Immigration Law Center**, in Washington, D.C., requested from the Department of Homeland Security (DHS) records related to the Systematic Alien Verification for Entitlements (SAVE) Program, operated by the United States Citizenship and Immigration Services (USCIS).
- On January 22, 2009, **Amy Davis**, a reporter for **KRPC/TV 2** in Houston, Texas, requested from the Department of Homeland Security (DHS) records related to the security measures in place for Super Bowl XXXVIII held in Houston, as well as the Major League Baseball World Series, also held in Houston, in 2005.
- On January 22, 2009, **Cheryl Little**, a representative of the **Florida Immigration Advocacy Center, Inc.**, in Miami, Florida, requested from the Department of Homeland Security (DHS) records pertaining to the recommendation from the

United States Citizenship and Immigration Services (USCIS) to DHS Secretary Michael Chertoff regarding a Temporary Protected Status (TPS) designation for the Republic of Haiti in 2008.

FOIA Activity for the Week of January 26 – January 30, 2009
Privacy Office
February 3, 2009
Weekly FOIA Report

SECTION 7: FREEDOM OF INFORMATION ACT (FOIA) ACTIVITY

During the week of January 26, 2009, the Department of Homeland Security (DHS) and its Components, Customs and Border Protection (CBP), the National Protection and Programs Directorate (NPPD), the U.S. Coast Guard (USCG), and the Federal Emergency Management Agency (FEMA), reported the following significant FOIA activity:

- On January 26, 2009, **Wilson Ring**, a reporter from *Associated Press* in Montpelier, Vermont, requested from Customs and Border Protection (CBP) a full list of national security cases stopped at the borders since 9/11.
- On January 26, 2009, **Rick Hind**, Legislative Director of **Greenpeace**, in Washington, D.C., requested from the National Protection and Programs Directorate (NPPD) records and documents generated as part of the Chemical Facility Anti-Terrorism Standards (CFATS).
- On January 29, 2009, **Emily P. Carey**, Program Coordinator for the **American Civil Liberties Union of New Mexico** in Las Cruces, New Mexico, requested from Customs and Border Protection (CBP) policies related to the following: 1) CBP apprehension of immigrants, 2) processing and custody of individuals, 3) repatriation of individuals from CBP custody, and 4) related grievance policy.
- On January 29, 2009, **Sara Walsh**, the Assistant News Editor from the ***Rio Grande SUN*** in Espanola, New Mexico, requested from the Federal Emergency Management Agency (FEMA) all records related to payments made to Santa Clara Pueblo in Rio Arriba County, New Mexico, from January 1, 2000, to the present.
- On January 30, 2009, **Keli Rabon**, a representative of ***WREG-TV***, in Memphis, Tennessee, requested from the Department of Homeland Security (DHS) a copy of the Memphis Division of Fire Services' 2008 grant application to the Assistance to Firefighters Grant Program.

Late Entry:

- On January 13, 2009, **Katie Curley**, of the ***Newburyport Daily News***, in Newburyport, Massachusetts, requested from the U.S. Coast Guard (USCG) an investigation report on the Derek Hines Memorial Bridge accident in Amesbury, Massachusetts on November 13, 2008.

FOIA Activity for the Week of February 2 – February 6, 2009
Privacy Office
February 10, 2009
Weekly FOIA Report

SECTION 7: FREEDOM OF INFORMATION ACT (FOIA) ACTIVITY

During the week of February 2, 2009, the Department of Homeland Security (DHS) and its Components, Immigration and Customs Enforcement (ICE), the Office of Inspector General (OIG), Customs and Border Protection (CBP), and the U.S. Coast Guard (USCG) reported the following significant FOIA activity:

- On February 2, 2009, **Denise Holley**, a reporter for *Nogales International*, in Nogales, Arizona, requested from the Office of Inspector General (OIG) all complaints about treatment of undocumented persons in short-term custody filed against the U.S. Border Patrol Tucson Sector in Arizona from January 1, 2003, to the present.
- On February 3, 2009, **Nancy Grace**, a reporter for *CNN Headline News*, in New York, New York, requested from the United States Coast Guard (USCG) documents relating to an investigation of the disappearance of (b)(6) on July 1, 2005.
- On February 4, 2009, **Penny Keeney**, a researcher from **The Freedom Project Inc.**, in Lithonia, Georgia, requested from Immigration and Customs Enforcement (ICE) all documents pertaining to (b)(6) regarding a murder that took place on April 17, 1999, in Oak Park, Michigan.
- On February 5, 2009, **Manuel Valdez**, a reporter for *Associated Press*, in Seattle, Washington, requested from Customs and Border Protection (CBP) all records related to proposals, agreements, and/or grant requirements between the Border Patrol and Washington State law enforcement agencies under the terms of Operation Stonegarden.
- On February 6, 2009, **Dan Pochoda**, an attorney from the **American Civil Liberties Union of Arizona**, in Phoenix, Arizona, requested from Immigration and Customs Enforcement (ICE) all records relating to civil immigration enforcement actions conducted by ICE on November 19 through 23rd in Coconino and Yavapai Counties, including but not limited to any actions undertaken by ICE's Fugitive Operations Teams.

Late Entries:

- On January 15, 2009, **Jaclyn Giovis**, of the *South Florida Sun-Sentinel*, in Fort Lauderdale, Florida, requested from the U.S. Coast Guard (USCG), all Coast Guard Form 2692 records involving missing persons on cruise ships filed with the U.S. Coast Guard, Sector Miami, from January 1, 2005, to December 31, 2008.
- On January 29, 2009, **Srinath Nagabhirava**, CEO of **nLeague**, in Alpharetta, Georgia, requested from United States Citizenship and Immigration Services

(USCIS) all the H1-B petitions and L1 applications processed by the Vermont Service Center.

- On January 29, 2009, **Robert Deasy**, Director of the **American Immigration Lawyers Association**, in Washington, D.C., requested the following from United States Citizenship and Immigration Services (USCIS) the following: 1) The criteria and guidelines for on site compliance visits under 8CFR 204.5(m)(12) and 8 CFR 214.2(r)(16), and 2) All documents which establish, describe, explain, or set forth the criteria and guidelines for on site compliance visits under 8 CFR 204.5(m)(12), and 8 CFR 214.2(r)(16) for R-1 religious workers and special immigrant religious workers.
- On January 29, 2009, **Joan Friedland**, Immigration Project Director of the **National Immigration Law Center**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) all records prepared, received, transmitted, collected and/or maintained by USCIS or DHS related or referring to the Systematic Alien Verification for Entitlements (SAVE) Program since January 1, 2005. The requester has outlined 9 items to be addressed regarding the SAVE Program.

FOIA Activity for the Week of February 9 - 13, 2009

Privacy Office

February 17, 2009

Weekly FOIA Report

SECTION 7: FREEDOM OF INFORMATION ACT (FOIA) ACTIVITY

During the week of February 9, 2009, the Department of Homeland Security (DHS) and its Components, Immigration and Customs Enforcement (ICE), the Federal Emergency Management Agency (FEMA), and United States Citizenship and Immigration Services (USCIS) reported the following significant FOIA activity:

- On February 9, 2009, **Stokely Baksh**, a researcher from the *Investigative Reporting Workshop of American University*, in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) all facility audits or reviews that ICE conducted on facilities used to detain illegal aliens since the creation of the Department of Homeland Security.
- On February 9, 2009, **S. L. Harrington**, an individual from Socorro, New Mexico, requested from the Department of Homeland Security (DHS) records related to the possible establishment of a "Special Use Airspace" on lands owned, operated, leased, or controlled by New Mexico Tech University and/or New Mexico Tech University's Energetic Materials Research and Testing Center.
- On February 9, 2009, **Ann Mapp**, Attaché, Political Section, **Canadian Embassy**, in Washington, D.C., forwarded to the Department of Homeland Security (DHS) records concerning the work product of the Security and Prosperity Partnership of North America meeting on March 31, 2006, in Cancun, Mexico. These records were requested under Canada's *Access to Information Act*.
- On February 9, 2009, **Jeff Bliss**, a reporter for *Bloomberg News*, in New York, New York, requested from the Department of Homeland Security (DHS) copies of the January appointment calendar for Homeland Security Secretary Janet Napolitano.
- On February 9, 2009, **Eileen Sullivan**, staff writer of the *Associated Press*, in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) all notes, memos, and reports submitted to the Office of the Executive Secretariat in response to Homeland Security Secretary Janet Napolitano's January 28, 2009, directive regarding Hurricane Katrina.
- On February 10, 2009, **Eileen Sullivan**, staff writer of the *Associated Press*, in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA), all notes, memos, and reports submitted to the office of the Executive Secretariat in response to Homeland Security Secretary Janet Napolitano's January 27, 2009, directive regarding FEMA state and local integration.
- On February 10, 2009, **Ben Evans**, a reporter of the *Associated Press*, in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) correspondence between the FEMA and the Food and Drug

Administration (FDA) about potential salmonella contamination in peanut products.

- On February 10, 2009, **Joseph Champagne**, a representative of the **Canadian Embassy**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records created between January 1, 2006, and January 21, 2006, regarding the North American Competitiveness Council.
- On February 11, 2009, **David Hasemyer**, a staff writer of ***The San Diego Union Tribune*** in San Diego, California, requested from the Federal Emergency Management Agency (FEMA) records concerning the return of FEMA funds provided following 2003 Southern California wildfires.
- On February 11, 2009, **Kip Evan Steinberg**, an attorney in San Rafael, California, requested from United States Citizenship and Immigration Services (USCIS) all records which establish, describe, explain, or set forth guidance, instructions, and/or criteria for evaluating, processing, and/or adjudication applications for naturalization or adjustment of status to lawful permanent residence for Bosnian nationals who have engaged in military service.
- On February 12, 2009, **Bill Thompson**, a staff writer of ***The Ocala-Star Banner*** in Ocala, Florida, requested from the Federal Emergency Management Agency (FEMA) documents pertaining to the financial status of the National Flood Insurance Program, including annual funding and payments to policyholders, the number of policyholders since FY 1999-2000 and the number of communities that have adopted updated flood zone designations since that time.
- On February 12, 2009, **Liz Mineo**, a reporter from the ***Community Newspaper Company*** in Framingham, Massachusetts, requested from Immigration and Customs Enforcement (ICE) the full report of the internal investigation done by the Office of Professional Responsibility on the death of Edimar Alves de Araujo, who died in Providence, Rhode Island on August 7, 2007, while he was in the custody of federal immigration agents.
- On February 13, 2009, **Eileen Sullivan**, a reporter for the ***Associated Press***, in Washington, D.C., requested from the Department of Homeland Security (DHS) all notes, memos, reports (including oral reports), and submissions to the Office of the Executive Secretariat collected in response to the following directives issued on January 21, 2009, by Homeland Security Secretary Janet Napolitano: 1) Transportation Security, 2) National Planning, 3) Northern Border Strategy, 4) State and Local Tribal Integration, 5) Risk Analysis, 6) State and Local Intelligence Sharing, 7) First Responder Health Surge Capacity, 8) Cyber Security, and 9) Critical Infrastructure Protection.

Late Entry

- On February 6, 2009, **Tawnell D. Hobbs**, a reporter for ***The Dallas Morning News***, in Dallas, Texas, requested from United States Citizenship and Immigration Services (USCIS) verification that 105 local government workers in Dallas have received extensions on their H1B visas.


FOIA Activity for the Week of February 16 - 20, 2009
Privacy Office
February 24, 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. *DHS provided comments to the Government Accountability Office (GAO) in response to GAO Draft Report, GAO-09-260, Freedom of Information Act: DHS Has Taken Steps to Enhance Its Program, but Opportunities Exist to Improve Efficiency and Cost-Effectiveness.*
 2. *The Privacy Office met with Lockheed Martin Corporation regarding planned enhancements to its Headquarters FOIA tracking system, to allow increased collaboration with the DHS components and expanded reporting capabilities.*
 3. *United States Citizenship and Immigration Services (USCIS) is coordinating with DHS and their IT contractor to re-design the G-639 form to delete the SSN field.*

IV. Legal Issues

• **FOIA requests:**

1. *On February 17, 2009, **Edward Lucas**, Deputy Editor of **The Economist**, in London, England, requested from United States Citizenship and Immigration Services (USCIS), all records regarding (b)(6)*

2. *On February 17, 2009, **Stokely Baksh**, from **Investigative Reporting Workshop** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), a list of facilities from January 1, 1950, to December 31, 2007, used by the Federal Government to detain illegal aliens.*
3. *On February 17, 2009, **Alan Henney**, a reporter from **WUSA-TV News**, in Washington, D.C., requested from Immigration and Customs Enforcement (ICE), documents pertaining to the total number of Federal Protective Service officers arrested during 2008, to include their assigned facility, as well as the date and type of arrest.*
4. *On February 17, 2009, _____ an individual from _____ requested the following from the Department of Homeland Security (DHS): 1) a copy of the Report on Law Enforcement Deployment Teams (LEDTs) produced by DHS Assistant Secretary Sexton and FEMA and provided to Congress, and 2) a copy of the booklet on crime that was*

developed by mayors and police chiefs and provided to DHS for submission to President Obama.

5. *On February 18, 2009, **Kenneth Allen**, from Tucson, Arizona, requested from United States Citizenship and Immigration Services (USCIS), documents relating to Barack H. Obama, to specifically include the following: 1) a copy of Barack H. Obama's birth certificate sealed by the State of Hawaii, 2) a copy of the immigration records pertaining to his return to Hawaii in 1971, if any, 3) any and all Court records reflecting a name change, 4) documents pertaining to whether Barry Soetoro is still an Indonesian citizen, and if he is not, documentation of when he became a naturalized citizen pursuant to the 14th Amendment, and 5) true and correct copies of Barack H. Obama's passports for the years: 1979, 1980, 1981 and 1982, including , but not limited to a copy of Barry Soetoro's passport documenting his history of travel to Pakistan.*
6. *On February 19, 2009, **Amy Taxin**, a writer for **Associated Press**, in Tustin, California, requested from U.S. Customs and Border Protection (CBP) the number of arrests of aliens made in each Border Patrol Sector, to include San Diego, El Centro, Yuma, Tucson, El Paso, Marfa, Del Rio, Laredo, and Rio Grande Valley between 2004 and 2008.*
7. *On February 20, 2009, **David Olsen**, a staff writer for **The Press-Enterprise**, in Riverside, California, requested from U.S. Customs and Border Protection (CBP) the number of arrests by the Riverside Office of the El Centro Sector for each month beginning January 2008 to present.*

Late Entries

8. *On February 2, 2009, **Leonard Cavise**, Legal Counsel for the **Council on American-Islamic Relations**, in Washington, D.C., requested from the Office of Inspector General (OIG), all records concerning the Federal Government's efforts or policy decisions to exercise federal jurisdiction over and indict foreign nationals for violations of the Major Fraud Act, the Wire Fraud Statutes, and the Aiding and Abetting Statute.*
9. *On February 11, 2009, **Robert Deasy**, Director of **AILA National Office**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), any and all guidance, memoranda, standard operation procedures, and templates used for Request of Evidence regarding the adjudication of H-1B petitions issued as a result of the Benefits Fraud Assessment report.*

- **Lawsuits:**

1. *The Office of Inspector General (OIG) was named as a defendant in National Lawyers' Guild San Francisco Chapter et al v. DHS et al in which the ACLU of Southern California is challenging OIG's FOIA search.*
2. *The Office of Inspector General (OIG) was named as a defendant in ACLU v. DHS et al in which the ACLU challenges OIG's refusal to grant expedited processing and seeks the production of all responsive records.*

FOIA Activity for the Week of February 23-27, 2009
Privacy Office
March 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
 1. N/A

IV. Legal Issues

- **FOIA requests:**
 1. On February 23, 2009, **Katie Fairbank**, a reporter from *The Dallas Morning News*, requested from United States Citizenship and Immigration Services (USCIS) records showing the approval of H1B and permanent visas requested and the number of visas, job titles and work states approved by DHS for a list of thirty-four companies and government entities in 2008.
 2. On February 24, 2009, **Kelli Barton**, a representative from the **Immigrant Rights Clinic** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) records regarding the time elapsed between the denial or referral of an application by USCIS (at 26 Federal Plaza) and the service of a Notice to Appear to the immigrant by U.S. Immigration and Customs Enforcement (ICE) in the years of 2002-2004. The requester is also seeking internal guidance, policy memorandum, training materials, or other documents regarding prioritization of issuance of potential Notices to Appear by ICE agents at 26 Federal Plaza.
 3. On February 24, 2009, **Erin Siegal**, a journalist in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) all correspondence and petitions between United States Citizenship and Immigration Services, the Department of State and the United States Embassy in Guatemala pertaining to two Guatemalan sisters, (b)(6) who were kidnapped and then placed for adoption.
 4. On February 24, 2009, **Andrew Becker**, a researcher from the **Center for Investigative Reporting** in Berkeley, California, requested the following from U.S. Immigration and Customs Enforcement (ICE): 1) records regarding the current number of fugitives with outstanding final orders of removal, 2) the current number of fugitives who have outstanding final orders of removal, listed by age, gender and nationality, 3) the current number of fugitives who have outstanding final orders of removal who have

Temporary Protected Status, listed by country of origin, 4) the total number of aliens with final orders of removal awaiting travel documents, listed by country, and 5) the number of Chinese aliens with final orders of deportation who are awaiting travel documents, listed by those detained and those not detained, including date of final order of removal for each alien.

5. On February 24, 2009, **Dan Pochoda**, an attorney from the **American Civil Liberties Union of Arizona** in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) records related to or created in connection with or pursuant to ICE's Memorandum of Agreement with the Maricopa County Sheriff's Office dated February, 2007.
6. On February 25, 2009, **Chris Ingalls** with **King 5 News** in Seattle, Washington, requested from United States Citizenship and Immigration Services (USCIS), access to and copies of records showing the names and number of H1-B visas requested by all applicants submitting under the H1-B program that begins on April 1, 2009.
7. On February 25, 2009, **Janine Hoft**, an attorney from the People's Law Office in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) documents pertaining to Hassiba Belbachir, who died while in ICE custody at the McHenry County Jail in Illinois on March 17, 2005.

Late Entry

8. On February 2, 2009, **Christopher Liss**, a representative of **Extra TV** in Glendale, California, requested from the United States Coast Guard (USCG) records relating to the disappearance of (b)(6) during a fishing trip on July 30, 2005.

- **Lawsuits:**

1. United States Citizenship and Immigration Services (USCIS) was not specifically named as a defendant, but would like to report Villegas de la Paz v. Department of Homeland Security, 3:09-CV-00191, U.S. DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE (NASHVILLE) which contains a claim regarding a pending FOIA the Plaintiff has with USCIS.

FOIA Activity for the Week of March 2 - 6, 2009
Privacy Office
March 10, 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. N/A

IV. Legal Issues

- **FOIA requests:**
 1. On March 2, 2009, **Susan Schmidt**, an attorney from **Harvard University Committee on Human Rights** in Saint Paul, Minnesota, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to unaccompanied and separated children, to specifically include data on children who were either in ICE custody, or for whom ICE carried out removal or specific consent duties.
 2. On March 2, 2009, **Charles Morasch**, a reporter from **Land Line Magazine** in Grain Valley, Missouri, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to the February 25, 2008, search of Swift Transportation offices in Memphis and Millington, Tennessee.
 3. On March 3, 2009, **Yvette Chin**, a representative of the **National Security Archive of the George Washington University**, in Washington, D.C., requested from the Department of Homeland Security (DHS) copies of the ten oldest open or pending FOIA requests currently being processed by DHS, or held pending coordination with other agencies.
 4. On March 3, 2009, **Stephen Poellot**, a representative of **The Yale Law School Iraqi Refugee Assistance Project**, in New Haven, Connecticut, requested from the Department of Homeland Security (DHS) records relating to the clearance process procedures for Iraqi refugees applying for resettlement in the United States.
 5. On March 3, 2009, **Margaret Wong**, an attorney from **Margaret W. Wong & Associates** in Cleveland, Ohio, requested from U.S. Immigration and Customs Enforcement (ICE) copies of information pertaining to client, (b)(6)
[REDACTED]
 6. On March 3, 2009, **Michelle Roberts**, a reporter from **The Associated Press**, in San Antonio, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the most recent ICE contracts for the following detention centers either owned and/or operated by a private company Corrections

Corporation of America-San Diego: Eloy Federal Contract Facility, Houston Contract Detention Facility, Mira Loma Detention Center, Northwest Detention Center, Otero County Processing Center, Polk County Jail, South Texas Detention Complex, Steward Detention Center; Wackenhut Corrections Corp., and the Willacy County Detention Center.

7. On March 3, 2009, **Scott Shane**, a reporter for *The New York Times*, in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) all White House visitor logs from September 11, 2001, to January 20, 2009, reflecting the entries and exists of (b)(6) well as all White House visitor logs from September 11, 2001, to January 20, 2009, reflecting the entries and exists of (b)(6).
8. On March 3, 2009, **Joey West**, a reporter from *Bay News 9*, in Miami, Florida, requested from the United States Coast Guard (USCG) all Florida District 7 Search and Rescue records for the years 2004-2008.
9. On March 6, 2009, **Andrew Becker**, staff reporter for the **Center for Investigative Reporting**, in Berkeley, California, requested from the Office of Inspector General (OIG), all documents 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 Department of Homeland Security employee arrested and/or convicted of corruption related charges from January 1, 2003, to the present.

Late Entry

10. On December 19, 2008, **Gio Benitez**, a reporter from *WFORT-TV CBS 4* News, in Miami, Florida, requested from the United States Coast Guard (USCG) documents related to the February 24, 1996, Brothers to the Rescue shooting.

- **Lawsuits:**

1. N/A

FOIA Activity for the Week of March 9 - 13, 2009
Privacy Office
March 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
 1. N/A

IV. Legal Issues

- **FOIA requests:**
 1. On March 9, 2009, **Jerry Bohnen**, a reporter for *News Radio, 1000 KTOK*, in Oklahoma City, Oklahoma, requested from the United States Secret Service (USSS), copies of the White House visitor log for the dates October 30 and 31, 2006, and for September 27-29, 2007.
 2. On March 12, 2009, **Leonard Cavise**, Legal Counsel for the **Council on American-Islamic Relations**, in Washington, D.C., requested from the Office of Inspector General (OIG), all records on DHS efforts or policy decisions to indict, prosecute or extradite foreign nationals participating in, receiving, or performing U.S. Government contracts or subcontracts in Iraq, Kuwait, Gulf Region and/or CENTRCON region either as direct contractors or subcontractors to U.S. companies.
 3. On March 12, 2009, **Alex Kingsbury**, Associate Editor for *U.S. News & World Report*, in Washington, D.C., requested from the Office of Inspector General (OIG), all records of any audits, tests, and/or performance studies to determine the effectiveness of Behavior Detention Officers. This request was also sent to the Undersecretary for Management (MGMT), and the Privacy Office (PRIV).

Late Entry

4. On January 22, 2009, **Todd Shepherd**, a reporter from *Independence Institute*, in Golden, Colorado, requested from the Transportation Security Administration (TSA) a copy of the "Annual Report of Lost, Damaged, or Stolen Property Report" that each Department of Homeland Security (DHS) component must submit annually to the Office of Asset Management within DHS.
5. On March 6, 2009, **Judith E. Briggs**, a representative of **Partnerships for Community, Inc.** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) information regarding HB-1 visa sponsoring US companies.

- **Lawsuits:**

6. U.S. Citizenship and Immigration Services (USCIS) was named, along with U.S. Immigration and Customs Enforcement (ICE), as a defendant in *Akinola v. USCIS et al.* in which the Pro Se Plaintiff, Kile Akinola, is requesting that the Court order USCIS and ICE to produce the records requested in the Plaintiff's FOIA requests.
7. U.S. Citizenship and Immigration Services (USCIS) was named, along with U.S. Immigration and Customs Enforcement (ICE), as a defendant in *Juana Villegas De La Paz v. U.S. Department of Homeland Security* in which the Plaintiff requests the court to order USCIS and ICE to release records requested under the FOIA.

FOIA Activity for the Week of March 23-27, 2009
Privacy Office
March 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
 1. NSTR

IV. Legal Issues

- **FOIA requests:**
 1. On March 23, 2009, **Amy Forliti**, a reporter from *The Associated Press* in Minneapolis, Minnesota, requested from the Transportation Security Administration (TSA) information pertaining to a request filed by (b)(6) regarding an incident that took place on February 21, 2009, in Columbus, OH.
 2. On March 23, 2009, **Gio Benitez**, a reporter from *WFOR-TV CBS 4* in Miami, Florida, requested from the Transportation Security Administration (TSA) background violations from all U.S. airports in the past ten years.
 3. On March 23, 2009, **Steven Emerson** from **SAE Productions** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), records of petitions filed by nine different Islamic and Muslim organizations.
 4. On March 24, 2009, **Jonathan Finer** from the **Iraqi Refugee Assistance Program at Yale Law School** in New Haven, Connecticut, requested from United States Citizenship and Immigration Service (USCIS), records related to the processing of Iraqi refugees and special immigrant visa applicants to include internally displaced persons from April 1, 2003, to present.
 5. On March 24, 2009, **Robert Deasy**, a representative from **The American Immigration Lawyers Association**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), the criteria and guidelines for the issuance of NTAS to individuals with pending and approved I-130 and I-140 petitions.
 6. On March 24, 2009, **Steven Emerson**, a reporter from **SAE Productions** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), records related to F-1 and J-1 visas for non-immigrant foreign students who have been granted status to register or attend degree programs in nuclear engineering from 1975 to present.
 7. On March 24, 2009, **Mike McGraw**, a reporter from *The Kansas City Star* in Kansas City, Missouri, requested from

Immigration and Customs Enforcement (ICE) copies of any documents relating to the medical conditions and treatment of deportees on board JPATS deportation flights, or aboard flights chartered by ICE to deport immigrants.

8. On March 26, 2009, **Joaquin Sapien**, a reporter from ***ProPublica***, in New York, New York, requested from the Federal Emergency Management Agency (FEMA) all documentation of communication between the FEMA Disaster Housing Operations Unit and all FEMA Procurement Officers and TL Industries between August 29, 2005, to the present.
9. On March 26, 2009, **Franklin N. Yartey**, a Doctoral Student from the **Bowling Green State University** in Bowling Green, Ohio, requested from the Federal Emergency Management Agency (FEMA), a copy of all FEMA communication before and leading to the landfall of Hurricanes Katrina and Hurricane Ike.
10. On September 9, 2008, **Chuck Parker**, a representative of the ***Honolulu Star-Bulletin***, Honolulu, Hawaii, requested from the United States Coast Guard (USCG) all reports on the KIELE V from December 6, 2007, through September 8, 2008, leading to two deaths from broken masts.

- **Lawsuits:**

1. NSTR

FOIA Activity for the Week of April 6 – April 10, 2009

Privacy Office

April 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
 1. NSTR

IV. Legal Issues

- **FOIA requests:**
 1. On April 6, 2006, **Manuel Valdes**, a reporter from *The Associated Press* in Seattle, Washington, requested from Immigration and Customs Enforcement (ICE) all e-mails from ICE employees sent to or from the address writedebbie@gmail.com.
 2. On April 7, 2009, **Stephen Lemons**, a reporter from the *Phoenix New Times* in Phoenix, Arizona, requested from Immigration and Customs Enforcement (ICE) copies of the full names and ranks of all deputies, correctional officers, or other employees of the Maricopa County Sheriff's Office who have been trained and authorized to enforce federal immigration law under ICE's 287(g) program.
 3. On April 10, 2009, **Duane Schrag**, a reporter from the *Salina Journal* in Salina, Kansas, requested from the Federal Emergency Management Agency (FEMA) a copy of a cost-benefit analysis that explored various alternatives for school buildings in the area.
 4. On April 10, 2009, **Joaquin Sapien**, a reporter from *ProPublica* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) copies of all documentation regarding communication between any FEMA Procurement or Contracting Officer and JCJ Consulting and Development LLC, between August 29, 2005 and present.
 5. On April 7, 2009, **Joaquin Sapien**, a reporter from *ProPublica* in New York, New York, requested from the Department of Homeland Security (DHS), a copy of the personal calendars of the following FEMA Officials: Ryan Buras, Charles Clemons, and Anthony Johnson from August 29, 2005, to the present.
 6. On April 7, 2009, **Joaquin Sapien**, a reporter from *ProPublica* in New York, New York, requested from the Department of Homeland Security (DHS) all correspondence between the FEMA Logistics Coordination & Planning Chief, Robert Jones, and any employee of TL Industries, including but not limited to Randall Rush, from August 29, 2005, to the present.
 7. On April 7, 2009, **Joaquin Sapien**, a reporter from *ProPublica* in New York, New York, requested from the Department of Homeland Security (DHS) all correspondence between FEMA Logistics Coordination & Planning Chief, Robert Jones, and FEMA Contracting Office in the

Housing Operations Unit, Ryan Buras, regarding formaldehyde testing of trailers provided to disaster victims from August 29, 2005, to the present.

8. On April 7, 2009, **Joaquin Sapien**, a reporter from *ProPublica* in New York, New York, requested from the Department of Homeland Security (DHS) all correspondence between FEMA Logistics Coordination & Planning Chief, Robert Jones, and FEMA Housing Unit Officer, Ryan Buras, regarding the closure of FEMA's Pasadena Staging Area between January 1, 2005, and the present.
9. On April 7, 2009, **Joaquin Sapien**, a reporter from *ProPublica* in New York, New York, requested from the Department of Homeland Security (DHS) all correspondence between FEMA Logistics Coordination & Planning Chief, Robert Jones, and FEMA Housing Operations Unit Officer, Ryan Buras, regarding the January 7, 2009, fire at the Centauri Technologies chemical manufacturing plant in Pasadena, Texas from January 1, 2009, to the present.
10. On April 9, 2009, **Drew Griffin**, a reporter for *CNN*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between Janet Napolitano, Ester Olaverria, Rahm Emmanuel, Robert Gibbs, and the White House Communications Office between February 23, 2009, and March 30, 2009, to specifically include correspondence relating to ICE activities involving Yamato Engine Specialists in Bellingham, Washington.

Late Entry

11. On March 27, 2009, **Martha Mendoza**, a reporter for *The Associated Press*, in Santa Cruz, California, requested from the United States Coast Guard (USCG) documents related to USCG requests to board Mexican flagged commercial vessels from January 1, 2006, to the present, to include USCG and Mexican Navy coordinated pursuits on the seas when suspects enter Mexican waters, and the Letter of Intent by SEMAR, NORTHCOM and USCG establishing a bi national working group on safety and security.
12. On April 3, 2009, **Janice Nicely**, a reporter from *LRP Publications* in Palm Beach Gardens, Florida, requested from the Transportation Security Administration (TSA) internal TSA disciplinary review board decisions for the month of March, 2009.

- **Lawsuits:**

1. NSTR

FOIA Activity for the Week of April 13 – April 17, 2009

Privacy Office

April 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
 1. NSTR

IV. Legal Issues

- **FOIA requests:**

1. On April 13, 2009, **Oliver Bilger**, a journalist working for the Munich based newspaper *Sueddeutsche Zeitung* in Munich, Germany, requested from United States Citizenship and Immigration Services (USCIS) information relating to German citizens seeking asylum in the United States.
2. On April 13, 2009, **Gregory Pleasants**, an attorney from **Mental Health Advocacy Services, Inc.** in Los Angeles, California, requested from U.S. Immigration and Customs Enforcement (ICE) all records created from January 1, 2001, to the present concerning inpatient mental health and/or psychiatric care to persons in ICE custody who have mental health care and/or psychiatric care needs.
3. On April 13, 2009, **Tegan Millspaw**, a reporter from *Judicial Watch* in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) information regarding the distribution, policy and number of statistics for T and U visas.
4. On April 13, 2009, **Andrew Becker**, staff reporter for *Center for Investigative Reporting* located in Berkeley, California, requested from United States Citizenship and Immigration Services (USCIS) documents and statistical information regarding S5, S6 and S7 visas.
5. On April 14, 2009, **Carlton Perez**, an individual who emailed the DHS FOIA email account, requested from the Department of Homeland Security (DHS) a copy of the DHS Office of Intelligence and Analysis (OI&A) assessment titled *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*. The DHS Privacy Office has received 4 similar requests from individuals for this report.
6. On April 14, 2009, **Ernie Lazar**, an individual from Palm Springs, California, requested from the Department of Homeland Security (DHS) a copy of the DHS OI&A assessment titled *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*, dated April 7, 2009, as well as all Memo's, Correspondence, Background Documents, Statistical Data, Reference Sources, and Field Observations pertaining to this report.

7. On April 14, 2009, **Kiralyne Schilitubi**, an individual from Riverside, California, requested from the Department of Homeland Security (DHS) a copy of the DHS OI&A assessment titled *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*, dated April 7, 2009, as well as all Memo's, Correspondence, Background Documents, Statistical Data, Reference Sources, Field Observations, and any information which supports concerns related to American Indians pertaining to this report.
8. On April 14, 2009, **Robert Rusine**, an individual from El Dorado Hills, California, requested from the Department of Homeland Security (DHS) a copy of the DHS OI&A assessment titled *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*, dated April 7, 2009, as well as official policy memos and recommendations regarding right wing extremist groups.
9. On April 15, 2009, **Richard Thompson**, the President and Chief Counsel for the **Thomas More Law Center**, in Ann Arbor, Michigan, requested the following from the Department of Homeland Security (DHS): 1) Records, reports, writings, notes, documents, Memo's, emails, photographs, videotapes referencing the DHS OI&A assessment titled *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment* dated April 7, 2009, 2) Records, reports, writings, notes, documents, Memo's, emails, photographs, videotapes used to create the report, 3) Records, reports, writings, notes, documents, memos, emails, photographs, videotapes that form the bases or relate to key findings of the, 4) Records, reports, writings, notes, documents, memos, emails, photographs, videotapes used to form the definition of "right wing extremist" within the report, 5) Records, reports, writings, notes, documents, memos, emails, photographs, videotapes that contain the names of individuals or agencies that reviewed the report, and 6) Records, reports, writings, notes, documents, memos, emails, photographs, videotapes containing the names of the specific individuals or organizations that are referenced in the report.
10. On April 17, 2009, **Matthew Malone**, a representative of **Conde Nast Portfolio Magazine**, in New York, New York, requested from the United States Coast Guard (USCG) records of visits by James Biden and/or (b)(6) to the White House from January 1, 2009, to the present.
11. On April 17, 2009, **Nathan Mehrens**, a representative from **Americans for Limited Government**, requested from the Department of Homeland Security (DHS) records related to the DHS OI&A assessment titled *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*, to specifically include the following: 1) all draft versions of the report, all data and studies, report or other documents reviewed by DHS to draft the report, 2) all data and studies, report or other documents regarding specific groups listed on page 2 of the report, name, title, grade, and salary of DHS personnel involved in

drafting report, 3) all records of communication and the communication themselves between any DHS official and officials with other federal government office, including the White House regarding the Report, 4) all records of communication and the communication themselves between any DHS official and private citizens regarding the Report, and 5) all Records relating to information received from groups outside DHS that influenced the drafting of the report.

Late Entry

12. On April 6, 2009, **Jesse Franzblau**, a representative of ***The National Security Archive***, in Washington, D.C., requested from the United States Coast Guard (USCG) documents related to Admiral Mullen's meeting with Mexican Secretary of National Defense General Guillermo Galvan and Secretary of the Navy Admiral Mariano Francisco Saynez on March 7, 2009, to specifically include communications regarding meetings, intelligence reports, cables, memos, briefing papers, intelligence bulletins, meeting minutes and background papers.
 13. On April 9, 2009, **Doug Schneider**, Public Service Editor for ***Press and Sun Bulletin*** located in Binghamton, New York, requested from United States Citizenship and Immigration Services (USCIS), access to the contents of the alien file pertaining to Jiverly A. Wong.
- **Lawsuits:**
 14. A new action filed against DHS, USCIS, ICE, EOIR and the AG captioned *Jose Luis Gutierrez-Blandon v. Catherine M. Papoi, etc. al*, US District Court for the Northern District of California. Action involves failure to respond to 20 day time limit for FOIA requests. FOIA Operations provided a witness, by telephone, to testify in an immigration hearing concerning the status of the FOIA request.

FOIA Activity for the Week of April 20 – April 24, 2009

Privacy Office

April 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
 1. NSTR

IV. Legal Issues

- FOIA requests:

1. On April 21, 2009, **Mark B. Roberts**, CEO of **National Association of Computer Consultant Businesses** in Alexandria, Virginia, requested from United States Citizenship and Immigration Services (USCIS), documents with respect to H1-B Petitions, Fraud Referral Sheet, Adjudicator's Field Manual, and memorandum.
2. On April 21, 2009 **Christopher Mele** of **Times Herald-Record's** requested from the Transportation Security Administration (TSA), all arrests reports, incident reports, traffic tickets, blotter entries or complaints from January 1, 2001, involving (b)(6)
3. On April 21, 2009, **Michael L. Martinez**, a representative of the Service Members Legal Defense Network, in Washington, D.C., requested from the United States Secret Service (USSS) documents and correspondence between USCG officers or employees and government or military officials of any other nation regarding denying gay, lesbian, bisexual or transgender soldiers or officers from serving in that nation's armed forces.
4. On April 21, 2009, **Anthony Kimery**, senior reporter for **Homeland Security Today**, in Oklahoma City, Oklahoma, requested from the Department of Homeland Security (DHS) all records related to a recent DHS assessment entitled *Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*.
5. On April 21, 2009, **Judy Rabinovitz**, Deputy Director of the **ACLU Immigrant's Rights Project**, in New York, New York, requested from the Department of Homeland Security (DHS) all records detailing specific terms within a February, 2009, Immigration and Customs Enforcement (ICE) detention report, to include the following terms: "book in date," "final order," and "criminal charge."
6. On April 21, 2009, the DHS Privacy Office received a FOIA referral from the Department of Justice (DOJ) from **Tegan Millspaw**, a reporter for **Judicial Watch**, in Washington, D.C., requesting records related to T and U visas.
7. On April 21, 2009, **David Blair-Loy**, Legal Director of the **ACLU of San Diego & Imperial Counties**, in San Diego, California, requested from the Department of Homeland Security (DHS) all records related to the collection of information, monitoring, or investigation of those dedicated

to serving the religious, political, social, cultural, or other needs of Muslims, Arabs, or people of Middle Eastern or South Asian descent.

8. On April 22, 2009, **Jennifer Haberkorn**, a reporter for the *Washington Times*, in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between members of Congress and DHS between December 1, 2008, and March 15, 2009.
9. On April 22, 2009, **Dianne Brandi**, Senior Vice President of Legal and Business Affairs for *Fox News*, in New York, New York, requested from the Department of Homeland Security (DHS) all documents that contain factual material or compiled factual material used to prepare certain conclusions found in a recent DHS assessment entitled *Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*.
10. On April 22, 2009, **Steven Emerson**, president of **SAE Productions** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) all records related to F-1 and M-1 student visa applications submitted by (b)(6)
11. On April 24, 2009, the DHS Privacy Office received a FOIA referral from the U.S. Department of Commerce (DOC) from **Jeremy Rogalski**, an investigative reporter for *KHOU-TV*, in Houston, Texas, requesting hard copies of 25 audits created by the Federal Emergency Management Agency (FEMA).

Late Entry

12. On April 17, 2009, **Bill Bartleman**, reporter for *The Paducah Sun* in Paducah, Kentucky, requested from the Federal Emergency Management Agency (FEMA) records regarding the Port Security Grant Program by the Reidland-Farley Fire Protection District.

Lawsuits:

13. NSTR

FOIA Activity for the Week of April 27– May 1, 2009
Privacy Office
May 5, 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 April 27, 2009, **Robert Deasy**, Director of the **American Immigration Lawyers Association (AILA)** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), statistical information on the number of L-1B petitions filed, approved, approved after RFE, and denied within the last 12 months.
 2. On April 27, 2009, **Robert Deasy**, Director of the **American Immigration Lawyers Association (AILA)** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), a copy of the Naturalization compliance review worksheet.
 3. On April 27, 2009, **Bill Carey**, Senior Reporter at *News 10 Now* in Syracuse, New York, requested from United States Citizenship and Immigration Services (USCIS), all records related to Jiverly Wong.
 4. On April 28, 2009, **Deborah Sherman**, a reporter from *9 News KUSA-TV* in Denver, Colorado, requested from the Transportation Security Administration (TSA) the aggregate numbers of complaints for the following, to include the dates on which they were made: 1) the number of sexual harassment complaints/allegations filed by TSA employees at Denver International Airport against other TSA employees at DIA from 2003 through the present, 2) the number of harassment complaints/allegations filed by TSA employees at Denver International Airport against other TSA employees at DIA from 2003 through the present, 3) the number of sexual harassment complaints/allegations by TSA employees against other TSA employees at Dallas-Fort Worth Airport from 2003 through the present, 4) the number of harassment complaints/allegations by TSA employees against other TSA employees at Dallas-Fort Worth Airport from 2003 through the present, 5) a copy of a the TSA report that was completed in April of 2007 by (b)(6) and Asst. Federal Security Director for Law Enforcement L. Gilotti regarding misconduct of TSA screening

- managers at Denver International Airport, and 6) a copy of the Action Planning team Adopted Recommendations report "Status update May 15, 2007" from Denver International Airport.
5. On April 28, 2009, **G.W. Schultz**, Reporter for the ***Center for Investigative Reporting*** in Berkeley, California, requested from the Federal Emergency Management Agency (FEMA) the report "Improvements Needed in Federal Emergency Management Agency of Monitoring of Grantees."
 6. On April 28, 2009, **Larry Klayman**, Chairman of ***Freedom Watch***, in Washington, D.C., requested from the Department of Homeland Security (DHS) all documents that refer or relate to the recent outbreak of the swine flu on or around April 24, 2009.
 7. On April 29, 2009, **Karyn Spencer**, reporter from ***Omaha World-Herald*** in Omaha, Nebraska, requested from United States Citizenship and Immigration Services, access to records relating to (b)(6)
 8. On April 30, 2009, **Don Mosley**, Reporter from ***NBC5 News*** in Chicago, Illinois, requested from the Federal Emergency Management Agency (FEMA) a listing of all waste management companies contracted by FEMA to recycle and/or dispose of all formaldehyde-contaminated Gulf Stream trailers issued by FEMA to disaster victims of Hurricane Katrina.
 9. On April 30, 2009, **John Cook**, a representative from ***Gawker Media***, a web based news organization based in New York, New York, requested from the Department of Homeland Security (DHS) all records relating to Operation Vigilant Eagle, a domestic counterterrorism operation.
 10. On May 1, 2009, **Del Quentin Wilber**, Staff Writer for ***The Washington Post***, Washington, D.C., requested from the United States Secret Service (USSS) all reports, records and memos concerning John W. Hinckley Jr. from 1975 through the present, to include all reports, records and other memos concerning the shooting of President Reagan and the after-action reports or other materials that examined what happened that day.

Late Entries

11. On April 23, 2009, **Naomi Tsu**, a representative of **SPLC Immigrant Justice Project** in Montgomery, Alabama, requested from United States Citizenship and Immigration Services (USCIS), all I-140 applications filed by J&M Associates, Inc. of Mississippi and Indo-Ameri Soft, LLC.
12. On April 24, 2009, **Brian Sasser**, Investigative Producer for ***KPRC-TV*** in Houston, Texas, requested from the Federal Emergency Management Agency (FEMA) all receipts, credit card statements, reports, requests for payments, documents regarding travel and meal expenses during FEMA's response to Hurricane

Ike for the following FEMA employees, (b)(6)

13. On April 24, 2009, **Bruce Alpert**, writer for *The Times-Picayune* in New Orleans, Louisiana requested from the Federal Emergency Management Agency (FEMA) all evaluations, work orders and complaints, including allegations of improper hiring and labor practices regarding the Unified Recovery Group between August 2005 and December 2008.

- **Lawsuits:**

14. NTSR

FOIA Activity for the Week of May 4 – May 8, 2009
Privacy Office
May 12, 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 May 4, 2009, **Jim Rutenberg**, Washington Correspondent for *The Washington Times* in Washington, D.C., requested from Department of Homeland Security (DHS) any communications among DHS, the White House, and the Federal Bureau of Investigations regarding changes to the national threat level on several specific dates.
2. On May 4, 2009, **Dan Pochoda**, Legal Director for the **American Civil Liberties Union of Arizona**, requested from the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) records relating to detention facilities in Arizona as of April 1, 2009, including the number of detainees held at each facility, policies and procedures for transfer of detainees among facilities, copies of contracts and service agreements, etc.
3. On May 4, 2009, **John Verdi**, of the Electronic Privacy Information Center (EPIC) Open Government Project in Washington, D.C. requested from the Transportation Security Administration (TSA) copies of the following agency records in the possession of the DHS: (1) All documents concerning the capability of passenger imaging technology to obscure, degrade, store, transmit, reproduce, retain, or delete images of individuals, (2) All contracts that include provisions concerning the capability of passenger imaging technology to obscure, degrade, store, transmit, reproduce, retain, or delete images of individuals, and (3) All instructions, policies, and/or procedures concerning the capability of passenger imaging technology to obscure, degrade, store, transmit, reproduce, retain, or delete images of individuals.
4. On May 5, 2009, **Janice Nicely**, a reporter, from **LRP Publications**, in Palm Beach Gardens, FL, requested from the Transportation Security Administration (TSA) for internal TSA Disciplinary Review Board opinions and decisions for the month of April.
5. On May 6, 2009, **Thomas Jackson** of the *Thomas Jackson Center for Equal Civil Rights Coast Guard Report*, Chesapeake, VA, requested copies of documents announced in ALCOAST 274-09 and listed as published on the PA Portal.
6. On May 7, 2009, **Steven Shi**, Adjunct Professor of Law, **University of Georgia**, requested from Department of Homeland Security (DHS)

records relating to the Office of Intelligence and Analysis, Extremism and Radicalization Branch assessment, “Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment,” to include the following: (1) All documents relating to the preparation, vetting, or release of, and subsequent actions of DHS effectively withdrawing the document, (2) Records relating to the contention of the Secretary that the report was not vetted by DHS prior to its being made public, (3) Copies or transcripts of statements of the Secretary regarding the report following its being made public, (4) Any differences or similarities between the manner in which the Rightwing Report was prepared and vetted to that used in the preparation, vetting, and release of the report titled “Leftwing Extremists Likely to Increase Use of Cyber Attacks over the Coming Decade,” dated January 26, 2009, and prepared by the Strategic Analysis group, Homeland Environment and Threat Analysis Division of DHS, (5) Records relating to the reasons for different groups within the Division having prepared the two reports, and (6) Records describing the mission and organization of the Division, including the Extremism Branch and Strategic Analysis group.

7. On May 7, 2009, **Anthony Rothert** of the **American Civil Liberties Union of Eastern Missouri** requested from the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) any statistics or records referring to detainers issued, pursuant to Sections 246 and 287 of the Immigration and Nationalities Act (INA) and Chapter 1 of Title 8 of the C.F.R., that were placed on aliens in the custody of any local law enforcement agency in the Metropolitan St. Louis, Missouri area, to include detainers issued in 2007 or 2008.
8. On May 8, 2009, **Martha Mendoza**, a reporter from *The Associated Press* in Santa Cruz, California, requested from Immigration and Customs Enforcement (ICE) copies of the ICE Office of Professional Responsibility (OPR) annual reports for 2005, 2006, 2007 and 2008; the aggregate total number of OPR investigations into allegation of misconduct involving employees of ICE and Customs and Border Protection (CBP) for 2005, 2006, 2007 and 2008 respectively; and summary findings of OPR investigation into employee misconduct for 2005, 2006, 2007 and 2008.

Late Entries

1. On March 27, 2009, **Martha Mendoza** of the *Associated Press*, Santa Cruz, CA, requested a Letter of Intent signed May, 2008, by the commanders of SEMAR, U.S. Northern Command (NORTHCOM) and the USCG establishing a permanent bi-national working group on maritime safety and security.
2. On May 1, 2009, **Peter Quinn**, a reporter with *News Channel 34*, in Binghamton, New York, requested from United States Citizenship and Immigration Services (USCIS), a copy of the file related to Jiverly Wong.

- **Lawsuits:**
 1. NTSR

FOIA Activity for the Week of May 11 - 15, 2009
Privacy Office
May 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
 1. NSTR

IV. Legal Issues

- **FOIA requests:**
 1. On May 11, 2009, **Ronald Schechter**, a representative of **Arnold & Porter, LLP**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all documents pertaining to the programs or requirements negotiated or imposed between the United States Government and the governments of other nations relating to the rehabilitation of prisoners from Guantanamo Bay, Cuba.
 2. On May 11, 2009, **Paul Clymer**, Member of the **Pennsylvania House of Representatives**, in Harrisburg, Pennsylvania, requested from the Department of Homeland Security (DHS) the names of the individuals responsible for the Rightwing Extremism report.
 3. On May 11, 2009, **Jacqueline Stevens**, a representative from **Dartmouth College** in Hanover, New Hampshire, requested from United States Citizenship and Immigration Services (USCIS), all records regarding (b)(6) a United States Citizen that was deported from the United States.
 4. On May 11, 2009, **Kristin Collins**, a reporter for the **News & Observer**, in Raleigh, North Carolina, requested from United States Citizenship and Immigration Services (USCIS), all documents related to (b)(6) a United States citizen that was deported from the United States.
 5. On May 11, 2009, **Janice Kephart**, a representative from the **Center for Immigration Studies**, in Washington, D.C., requested from Citizenship and Immigration Services (USCIS), all findings of the Web Basic Pilot Evaluation report for 2008.
 6. On May 11, 2009, **E.J. Graff**, a representative from **The Schuster Institute for Investigative Journalism** in Waltham, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS), all reports related to the August 2007 police and Guatemalan Attorney General's Office raids on the Casa Quivira children's home in Antigua, Guatemala.

7. On May 11, 2009, **E.J. Graff**, a representative from ***The Schuster Institute for Investigative Journalism*** in Waltham, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS), all records, reports, complaints, inquiries and investigation on (b)(6) and his role in facilitating the inter-country adoption of Guatemalan children.
8. On May 11, 2009, **E.J. Graff**, a representative from ***The Schuster Institute for Investigative Journalism*** in Waltham, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS), all records, reports, complaints, inquiries and investigations regarding Susana Luarca.
9. On May 11, 2009, **E.J. Graff**, a representative from ***The Schuster Institute for Investigative Journalism*** in Waltham, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS), all reports related to the May 2008 Office of the Prosecutor's investigation and raid of the Asociacion Santa Lucia de la Flores Silvestres children's home in Guatemala.
10. On May 11, 2009, **E.J. Graff**, a representative from ***The Schuster Institute for Investigative Journalism*** in Waltham, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS), any reports, complaints, records, memos, statistical data made available to United States Citizenship and Immigration Services; from government agencies, medical facilities, NGOs or elsewhere-suggesting irregularities in the inter-country adoptions process of Guatemalan children.
11. On May 11, 2009, **E.J. Graff**, a representative from ***The Schuster Institute for Investigative Journalism*** in Waltham, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS), any and all reports regarding or related to the Ministerial Public (MP) and Attorney General's (PGN) investigation and raid on the Similes de Amor children's home in Antigua, Guatemala.
12. On May 11, 2009, **Steven Emerson**, president of ***SAE Productions*** located in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), all records related to Doctor Ahmed Elkader.
13. On May 11, 2009, **Steven Emerson**, president of ***SAE Productions*** located in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS), all records related to (b)(6) out.
14. On May 13, 2009, **William J. Kats Jr.**, a correspondent with the ***Associated Press*** in Syracuse, New York, requested from United States Citizenship and Immigration Services (USCIS), all records pertaining to Jewelry Wong.

15. On May 14, 2009, **Paul Higher Jr.**, an Attorney from Cumming, Georgia, requested from United States Citizenship and Immigration Services (USCIS), correspondence, memos, and other information pertaining to the USCIS Verification Division.
16. On May 14, 2009, **Robert Little**, a correspondent for *The Baltimore Sun*, in Baltimore, Maryland, requested from the Office of Inspector General (OIG), all records concerning its review of the U.S. Coast Guard's Administrative Law Judge system, to specifically include transcripts of the office's interviews with judges, Coast Guard employees and other witnesses related to the performance of the ALJ system.
17. On May 14, 2009, **Brennan Bilberry**, an individual from Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between Congressman John Boehner (R-OH), his staff, and DHS from January 1, 1990, to the present.
18. On May 15, 2009, **Brennan Bilberry**, an individual from Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between Congressman Eric Cantor (R-VA), his staff and DHS from January 1, 2000, through the present.

Late Entry

1. On April 13, 2009, **Oliver Bilger**, a journalist working for the Munich based newspaper *Sueddeutsche Zeitung* in Munich, Germany, requested from United States Citizenship and Immigration Services (USCIS), information relating to German citizens seeking asylum in the United States.
- **Lawsuits:**
 1. A new action filed against DHS, USCIS, and ICE captioned ENRIQUE PARDO v. UNITED STATES DEPARTMENT OF Homeland Security, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, a component agency of the Department of Homeland Security; UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, a component agency of the Department of Homeland Security, Case 1:09-cv-02609, U.S. District Court of Illinois. The plaintiff is asking the court to order defendants to produce the documents requested through his FOIA.

FOIA Activity for the Week of May 18 - 22, 2009
Privacy Office
May 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
 1. NSTR

IV. Legal Issues

- **FOIA requests:**
 1. On May 18, 2009, **Richard Gaines**, a reporter for the ***Gloucester Daily Times***, in Gloucester, Massachusetts, requested from the United States Coast Guard (USCG), a copy of the contract between DHS and the National Oceanic and Atmosphere Administration (NOAA) for the use of the Coast Guard's administrative law judge system for processing disputed NOAA civil claims of violations of fishing laws.
 2. On May 19, 2009, **Gio Benitez**, an investigative producer from ***CBS 4 News*** in Miami, Florida, requested from the United States Coast Guard (USCG) a list of all grants given to the Miami-Dade and City of Miami Police Departments for years 2007 - 2008.
 3. On May 19, 2009, _____ an individual from _____ requested from the Department of Homeland Security (DHS) copies of each Weekly Departmental Report for DHS produced by the Office of the Secretary between January 1, 2009, and May 1, 2009.
 4. On May 19, 2009, **Thomas Schatz**, a representative for **Citizens Against Government Waste**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between DHS and Members of Congress and their staff, regarding the expenditure of funds made available by the American Recovery and Reinvestment Act.
 5. On May 20, 2009, **Jennifer Krause**, Investigative Reporter for ***News Channel 5*** in Nashville, Tennessee, requested from the Federal Emergency Management Agency (FEMA) documents pertaining to the Fire Prevention & Safety grant application for the Tennessee Fire Safety Inspectors Association and the Tennessee Fire Sprinkler Contractors Association.
 6. On May 21, 2009, **Bill Dedman**, a reporter for ***MSNBC***, in New York, New York, requested from the United States Secret Service (USSS) all records relating to any and all visits made to the White House from 12:00pm on January 20, 2009, to the present.

Late Entries

7. On April 24, 2009, **Holbrook Mohr**, a reporter for the *Associated Press*, in Jackson, Mississippi, requested from the Department of Homeland Security (DHS) and its Components, U.S. Immigration and Customs Enforcement (ICE), the National Protection and Programs Directorate (NPPD), the United States Coast Guard (USCG), U.S. Customs and Border Protection (CBP), the Office of Inspector General (OIG), and the United States Secret Service (USSS), a list of all Government agencies that received money from DHS related to the response and recovery in the aftermath of Hurricanes Katrina and Rita.
8. On May 17, 2009, **Thomas Jackson**, a reporter for the *Coast Guard Report*, in Chesapeake, Virginia, requested from the United States Coast Guard (USCG) a copy of the Equal Employment Opportunity (EEO) Review Program report and the KPMG program review of the Office of Civil Rights conducted in 2001.

- **Lawsuits:**

9. NTSR

FOIA Activity for the Week of May 25, 2009 – May 29, 2009
Privacy Office
June 1, 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 May 26, 2009, **Anne Weismann**, a representative **Citizens for Ethics and Responsibility in Washington (CREW)**, in Washington, D.C., requested from the United States Secret Service (USSS) all records pertaining to visits made by the following individuals to the White House or the residence of the Vice President from January 21, 2009, to the present: Gregory H. Boyce, Chairman and Chief Executive Officer ("CEO"), Peabody Energy Corp., Colin Marshall, President and CEO, RIO Tinto Energy America, Steven F. Leer, Chairman and CEO, Arch Coal Inc., James F. Roberts, Chairman of the Board and CEO, Foundation Coal Corp., J. Brett Harvey, President and CEO, CONSOL Energy Inc., Don L. Blankenship, Chairman and CEO, Massey Energy Co., Alfred M. Rankin, Jr., Chairman, President and CEO, NACCO Industries, Inc., Robert L. Benson, President and CEO, North American Coal Corporation (NACCO Subsidiary), Keith E. Alessi, President and CEO, Westmoreland Coal Co., Kevin A. Paprzycki, Chief Financial Officer, Westmoreland Coal Co., Robert E. Murray, Founder, President, CEO and Chairman of the Board, Murray Energy Corp., Bruce E. Grewcock, President and CEO, Peter Kiewit Sons Inc., Kenneth E. Stinson, Chairman, Peter Kiewit Sons Inc., Stephen L. Miller, President and CEO, American Coalition for Clean Coal Electricity, Glenn English, CEO, National Rural Electric Cooperative Association (NRECA), and Krait Gneiss, President and CEO, National Mining Association (NMA).
2. On May 27, 2009, **Michael Filler**, Associate Director for ***The International Brotherhood of Teamsters***, in Washington, D.C., requested from the Transportation Security Administration (TSA) records pertaining to the total number of employees who have union dues withheld and the name of the labor organization for which the dues are being paid on an airport by airport basis.
3. On May 28, 2009, _____, an individual from _____ requested from the Department of Homeland Security (DHS) a copy of the NSTAC Report on Global Infrastructure Resiliency, published in October, 2006, as well as a copy of the NSTAC Report on Network Operations Centers, published in February, 2008.

4. On May 28, 2009, _____, an individual from _____ requested from the Department of Homeland Security (DHS) the meeting minutes and agendas for the DHS Branding Committee and the DHS Web Content and Design Committee for the time period between January 1, 2006, to the present.
5. On May 28, 2009, _____, an individual from _____ requested from the Department of Homeland Security (DHS) NCS Directives 3-2, 3-5, 3-6, 3-7, and 3-10, Minimum Requirements for Continuity Communications Capabilities.
6. On May 28, 2009, **Carl Malamud**, President of **Public.Resource.Org**, in Sebastopol, California, requested from the Department of Homeland Security (DHS) all records concerning funding, to include memoranda of understanding, for DHS' access to the PACER system run by the Administrative Office of the Courts.
7. On May 28, 2009, **Steven Emerson**, a representative of **SAE Productions**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records of correspondence between DHS and the following individuals and groups related to a conference organized by the University of Delaware Center for Islamic Studies titled "The American Muslim Community and the U.S. Government: Need for Constructive Engagement:" 1) (b)(6), 2) (b)(6) 3) Council on American Islamic Relations (CAIR), 4) Muslim American Society – Freedom Foundation, and 5) International Institute of Islamic Thought (IIIS).

Late Entries

8. On January 13, 2009, **Judy Rabinovitz**, an attorney for the **American Civil Liberties Union (ACLU)** in New York, New York, requested from Immigration and Customs Enforcement (ICE) records and statistics compiled for an Office of Inspector General (OIG) review pertaining to the Post Order Custody Review (POCR) process, to include records related to ICE's compliance with detention limits for aliens with a final order of removal from the United States.
9. On May 12, 2009, **Vanita Gupta**, a representative for the **American Civil Liberties Union (ACLU)** in New York, New York, requested from Immigration and Customs Enforcement (ICE) copies of records pertaining to the T. Don Hutto Facility in Taylor, Texas.
10. On May 18, 2009, **Elizabeth Dwoskin**, a reporter for **The Village Voice**, in New York, New York, requested from United States Citizenship and Immigration Services (USCIS), any records, memos, documents, regarding identity and security checks procedures manual and national security reporting requirements.
11. On May 19, 2009, **M. Scott Jones**, an attorney from Jackson, Mississippi, requested from United States Citizenship and Immigration Services (USCIS), any private placement memorandums submitted under EB-5 to USCIS within the last 3 years relating to Hybrid Kinetic Motors

Corporation, Hybrid Kinetic Automotive Holdings, Inc., Hybrid Kinetic Automotive Holdings, Ltd., and the Alabama Center for Foreign Investment, LLC.

12. On May 19, 2009, **Jake Wedemeyer**, an attorney from Eagle Pass, Texas requested from United States Citizenship and Immigration Services (USCIS), all records relating to H-2A application information under 5 Star Dairy, Milk Harvest Dairy, Moo Tech Dairy, 5* Farms, Kornelias “Kees” Vanderlei, Piertsje Vanderlei, or Saul Centeno.
13. On May 20, 2009, **Anthony E. Rothert** from the **American Civil Liberties Union of Eastern Missouri**, in St. Louis, Missouri, requested from United States Citizenship and Immigration Services (USCIS), the total number of detainees and total number of aliens whose custody is assumed by the DHS.

- **Lawsuits:**

14. NSTR

FOIA Activity for the Period of May 29, 2009 – June 4, 2009
Privacy Office
June 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:
 1. NSTR

IV. Legal Issues

- **FOIA requests:**

1. On June 1, 2009, **Michelle Mendez** of **Casa de Maryland, Inc.** in requested from Immigration and Customs Enforcement (ICE) all records relating to (b)(6) including but not limited to: All records in the subject's alien registration file, the Enforce Case Tracking System (EATS), the Deportable Alien Control System (DACS), the Treasury Enforcement Control System (TECS), and the Significant Event Notification and Custody Management System (SENCMS). In addition, Ms. Mendez requested all records related to (b)(6) (b)(6) removal from the Otero County Jail, in Otero County, NM and subsequently the United States on or about April 24, 2009 including but not limited to communication from or to any office or employee of Immigration and Customs Enforcement (ICE).
2. On June 2, 2009, **Jesse Franzblau** of the *National Security Archive* in Washington, D.C. requested from the Department of Homeland Security (DHS) all documents related to the meeting between former heads of state George W. Bush and Vicente Fox in Guanajuato, in February 2001, to include any discussions or recommendations on bilateral immigration issues discussed during the meeting.
3. On June 2, 2009, **Wilson Ring**, a reporter for the *Associated Press* in Montpelier, Vermont requested from Customs and Border Protection (CBP) the record of all individuals that attempted entry into the U.S. for which a national security concern was raised, from March 2003 to present.
4. On June 3, 2009, **Tanveer Ali**, with *The Detroit News* located in Livonia, Michigan, requested from United States Citizenship and Immigration Services (USCIS), any documents mentioning any relationship between USCIS and Royal Jordanian Airlines and the deportation of Iraqis and others.
5. On June 3, 2009, **Thomas T. Carpenter**, of Los Angeles, California, submitted a request for a list of all ships, bases, installations or facilities, which presently have open showers. Mr. Carpenter states that this information is of public interest because of the considerations in repealing the law known as "Don't Ask, Don't Tell."

Late Entry

1. On May 25, 2009, **J. Scott Detamore**, Managing Attorney for the **Mountain States Legal Foundation** in Lakewood, Colorado, requested from the Department of Homeland Security (DHS) information pertaining to *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment* (hereafter referred to as “Report”), to include the following seventeen items:
 - 1) All documents that reflect, contain or disclose the facts on which the assertions and conclusions contained in the Report were based, in whole or in part.
 - 2) All documents that contain or discuss the explicit definition of the term “rightwing extremists,” as used throughout the Report.
 - 3) All documents that contain or reflect the identity of “rightwing terrorist groups” or “terrorist groups,” as referred to in the Report. Please limit this response to documents in existence when the Report was issued.
 - 4) All documents that contain or reflect the identity and/or role, duties or job title of the Report’s authors at the time it was created.
 - 5) All documents that contain, reflect or disclose the persons and their addresses, employed by the Department of Homeland Security, who knew about and/or approved the Report, expressly or tacitly.
 - 6) All documents that contain, reflect or disclose the facts on which the following statement, on page 3 of the Report under the heading “Exploiting Economic Downturn,” is based: “The alleged gunman’s reaction *reportedly* was influenced by his racist ideology and belief in antigovernment conspiracy theories related to gun confiscations, citizen detention camps, and a Jewish-controlled ‘one world government.’”
 - a. The statement alleges that the “gunman’s action *reportedly* was influenced....” Please provide all documents that indicate the source of the information contained in that statement, who reported that information, and how that information came into the possession of the Department of Homeland Security. Also please provide all documents that reflect a “report” or oral communication that provided this information.
 - 7) All documents that contain or reflect the facts on which the following statement, at the top of page 4 of the Report, was based: “Rightwing extremists are increasingly galvanized by these concerns and leverage them as drivers for recruitment.”

- a. All documents that contain, reflect or disclose the identity of those rightwing extremists and/or the groups and/or organizations to which they belong.
- 8) All documents that contain or reflect the facts on which the following statement, in the second paragraph of page 5 of the Report, was based: “over the past five years, various rightwing extremists, include militias and white supremacists, have adopted the immigration issue as a call to action, rallying point, and recruiting tool.”
 - a. All documents that contain, reflect or disclose the identity of these rightwing extremists, militias and white supremacists to which the Report refers, or the groups and/or organizations to which they belong.
- 9) All documents that contain, reflect or disclose the facts on which the following statement, in the first paragraph of the section “Legislative and Judicial Drivers,” on page 5 of the Report, is based: “Many rightwing extremist groups perceive recent gun control legislation as a threat to their right to bear arms and in response have increased weapons and ammunition stockpiling, as well as renewed participation in paramilitary training exercise.” Please include in your response all documents that contain, reflect or disclose the identity of the rightwing extremist groups to which the Report referred.
- 10) All documents that contain or reflect the facts on which the following statement, in the last sentence of the third paragraph of page 6 of the Report, is based: “[V]iolent extremists may attempt to co-opt the debate [about gun control] and use the controversy as a radicalization tool.” Please include in your response all documents that contain, reflect or disclose the identity of the violent extremists, and the groups and/or organizations to which they belong, to which that reference is made.
- 11) All documents that contain or reflect the facts on which the following statement, in the first sentence of “Perceived Threat from Rise of Other Countries,” on page 6 of the Report, is based: “Rightwing extremist paranoia of foreign regimes could escalate or be magnified in the vent of an economic crisis or military confrontation, harkening back to the ‘New World Order’ conspiracy theories of the 1990’s.”
- 12) All documents that contain or reflect the facts on which the following statement, in the first sentence of “Disgruntled Military Veterans” on page 7 was based: “[R]ightwing extremists will attempt to recruit and radicalize returning veterans....”

13) All documents that contain or reflect the facts on which the following statement, in the second dashed item under “Disgruntled Military Veterans” on page 7, is based: “A prominent civil rights organization reported in 2006 that ‘large number of potentially violent neo-Nazis, skinheads, and other white supremacist are now learning the art of warfare in the [U.S.] armed forces.’”

- a. All documents identifying the “prominent civil rights organization” referred to and all documents that constitute or contain the Report itself.
- b. All documents that contain, reflect or disclose the facts on which the “prominent civil rights organization” based its assertions.

14) All documents that contain or reflect the facts on which the following statement, in the third dashed item under “Disgruntled Military Veterans” on page 7, is based: “The FBI noted in a 2008 report on the white supremacist movement that some returning military veterans from the wars in Iraq and Afghanistan have joined extremist groups.” Please include in your response:

- a. All documents that constitute or contain the FBI report to which the Report refers;
- b. All documents that contain, disclose or reflect that any returning veterans have been recruited into rightwing terrorist groups or have become “lone wolves, as that term is used in the Report; and
- c. All documents that contain or disclose the identity or number of such veterans who have been recruited and the names of the groups into which they have been recruited.

15) All documents that contain, reflect or disclose that the following persons were actually recruited into rightwing terrorists groups: person who (a) oppose the economic policies of the Obama Administration, particularly the so-called bailouts of banks and auto companies and the acquisition of government interests therein; (b) oppose abortion; (c) advocate the right to bear arms; (d) are opposed to gun control; (e) oppose free trade with foreign countries; (f) strongly believe in Christianity; (g) believe that American power is diminishing and that the Constitution may be replaced by international law; (h) believe in the free enterprise system; (i) believe that government

should limited; or (j) believe in the right to own and use property without excessive government interference.

- a. All documents reflecting or establishing that any of the above person are anti-Semites; and
- b. All documents reflecting or disclosing the groups into which such person were recruited and the identity of those person who were recruited.

16) All documents demonstrating that returning veterans are more likely than any other segment of society to be successfully recruited by rightwing terrorist groups.

- a. All documents confirming the assertion in the Report that American veterans are “disgruntled” and, therefore, ripe for recruitment into rightwing terrorist groups.

17) At “Reporting Notice” on page 9 of the Report, the following statement is made: “DHS encourages recipients of this document to report information concerning suspicious or criminal activity to DHS and the FBI.” Also include in your response all documents that constitute or contain any such reports or summaries there of received by Homeland Security since April 7, 2009.

- **Lawsuits:**

- 1. NSTR

FOIA Activity for the Week of June 5 – June 11, 2009

Privacy Office

June 15, 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 5 2009, **Todd Spangereles**, a reporter for *the Detroit Free Press*, in Detroit, Michigan, requested from the United States Coast Guard (USCG), all records of correspondence between the USCG and Congresswoman Carolyn Cheeks Kilpatrick (D-MI) between January 5, 2009, and the present.
2. On June 9, 2009, **Miriam Tauber**, a representative of the **Centro de los Derechos del Migrante, Inc.**, in Miami, Florida, requested from the Department of Homeland Security (DHS) records relating or referring to any formal or informal complaints initiated by any government agency, or by any worker from Mexico who was issued an H2-A or H2-B visa, alleging improper practices with regard to the trafficking of workers from Mexico to or within the United States during the period from April 1, 2007, through June 1, 2009, to include a list of all employers who have filed successful petitions for certifications of H2-A or H2-B visas for workers from Mexico for the same period.
3. On June 9, 2009, **Brad Pollock**, a representative of the **Democratic Congressional Campaign Committee**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records of correspondence between DHS and Congressman Steve King (R-IA), to include correspondence between DHS and Congressman King's staff.
4. On June 10, 2009, **Catherine Crump**, staff attorney for the *American Civil Liberties Union*, in New York, New York, requested from the Department of Homeland Security (DHS) all records regarding U.S. Customs and Border Protection's (CBP's) authority to search review, retain, and disseminate information possessed by individuals who are encountered by CBP at the border, to include records of CBP procedures for audits of compliance with its policies governing border searches, complaints filed in regard to these policies, and statistics reflecting the number and ethnicity of individuals subjected to searches of their information at the border.
5. On June 11, 2009, **Anson M. Keller**, representative of **Kilpatrick Stockton, LLP**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records relating to the identity of any chemical or chemicals, including solvents, acids or alkaline products,

stored, used, or located on property owned or once owned by DHS at the Custom Commerce Center in Lorton, Virginia, to include records related to how these chemicals were stored, used, and/or disposed of. The requester also seeks documents relating to the operation or maintenance of the sewer system at the Center.

- **Lawsuits:**
 6. NTSR

FOIA Activity for the Week of June 12 – June 18, 2009
Privacy Office
June 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
 1. NSTR

IV. Legal Issues

- **FOIA requests:**

1. On June 12, 2009, **Jenny Small**, a representative of **Judicial Watch**, in Washington, D.C., requested from the United States Secret Service (USSS) all records concerning the cost of the President and First Lady's trip to New York on May 30, 2009.
2. On June 12, 2009, **Miriam Tauber**, a representative of **Centro De Los Derechos Del Migrante, Inc.**, in Miami, Florida, requested from United States Citizenship and Immigration Services (USCIS) records regarding trafficking and employment of Mexican workers with H2-A and H2-B Visas.
3. On June 12, 2009, **Elgin Jones**, a reporter for **The South Florida Times** in Fort Lauderdale, Florida, requested from United States Citizenship and Immigration Services (USCIS) copies of the United States Citizenship applications and file of [REDACTED] (b)(6)
[REDACTED]
4. On June 16, 2009, **Pete Yost**, a reporter for **The Associated Press**, in Washington, D.C., requested from the United States Secret Service (USSS) records of all White House entry and exit logs from January 20, 2009, to the present.
5. On June 16, 2009, **Jesse Franzblau**, a representative of the **National Security Archives**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all documents used in the production of, or produced in response to the 2004 Memorandum of Understanding on bilateral immigration enforcement between the U.S. and Mexico.

- **Lawsuits:**

6. NTSR

FOIA Activity for the Week of June 19 - 25, 2009
Privacy Office
June 29, 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 18, 2009, **Jesse Franzblau** of *The National Security Archive* in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) all documents pertaining to Operation Desert Safeguard, a cooperative effort between the United States and Mexico to reduce migrant deaths in the Sonora Desert area.
2. On June 19, 2009, **Jesse Franzblau** of *The National Security Archive* in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) all documents related to deaths of Mexican migrants in the Arizona-Sonora area in 2003 and any safety or security measures taken in response to these incidents.
3. On June 19, 2009, **Steven Emerson** from *SAE Productions* in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) records pertaining to the February 2009 meeting between Council on American-Islamic Relations' Civil Rights Director and USCIS.
4. On June 22, 2009, **Michael Rey**, Field Producer for *CBS News* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) air quality testing conducted by the Center for Disease Control and Prevention (CDC)/Agency for Toxic Substances and Disease Registry (ATSDR) relating to Formaldehyde and FEMA travel trailers in Purvis, Mississippi, and copies of communications between CDC/ATSDR and FEMA between August 1, 2007, and November 2, 2007.
5. On June 22, 2009, **Holbrook Mohr**, a staff writer for *The Associated Press* in Jackson, Mississippi, requested from the Federal Emergency Management Agency (FEMA) any and all documents, including itemizations for room rates and room service expenditures, related to a \$1,414,500 contract for hotel rooms pertaining to Hurricane Katrina.
6. On June 22, 2009, **Brad Heath**, Reporter for *USA Today* in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) data on Public Assistance applications and awards from 2004 to the present, including location of projects, the disaster number and the amount of funding obligated.
7. On June 22, 2009, **Jesse Franzblau** of *The National Security Archive* in Washington, D.C. requested from Immigration and Customs Enforcement

(ICE) all documents related to the “Local arrangement for Repatriation of Mexican Nationals” agreement between the United States and Mexico.

8. On June 23, 2009, **Travis Loller** of the *Associated Press* in Brentwood, Tennessee, requested from Immigration and Customs Enforcement (ICE) copies of e-mails sent from ICE to the Davidson County Sheriff’s Office in Davidson County, Tennessee that describe plans by ICE to no longer detain illegal immigrants identified under the local 287(g) program who are arrested for traffic violations other than Driving Under the Influence (DUI).
9. On June 23, 2009, **John Greenewald, Jr.** of *The Black Vault Radio Show* in Northridge, California, requested from the U.S. Coast Guard records relating to Operation Distant Shore.
10. On June 25, 2009, **John Verdi**, Director of the Open Government Project, **Electronic Privacy Information Center**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all agency records concerning appointments and meetings between Mary Ellen Callahan, Chief Privacy Officer, and all non-governmental individuals or entities from the date of her appointment, March 9, 2009, to the present, as well as all agency records concerning Ms. Callahan’s appointments and meetings for May 29, 2009.
11. On June 25, 2009, **Emily Ramshaw** of *The Dallas Morning News* in Austin, Texas, requested from Immigration and Customs Enforcement (ICE) the following, as they pertain to a provided list of Texas detention facilities: 1) All inspection/conditions reports since Jan. 1, 2007; 2) The number of abuse, neglect or exploitation allegations at each of these facilities in each of the last two years, and the percentage that were confirmed; 3) The number of psychiatrists or psychologists currently employed at each of these facilities.
12. On June 25, 2009, **John Verdi**, Director of the Open Government Project, **Electronic Privacy Information Center (EPIC)**, in Washington, D.C., requested from the DHS Management Directorate (MGMT), National Security Presidential Directive 54, and related records in possession of the agency.

- **Lawsuits:**

1. A new action filed against FEMA captioned *WildEarth Guardians vs. Federal Emergency Management Agency*, US District Court for the District of New Mexico. Action involves failure to provide substantive responses to four FOIA requests. The court is compelling FEMA to provide responsive documents within 30 days. The FEMA Office of Chief Counsel is coordinating with the Court for a 45 day extension.

FOIA Activity for the Week of June 19 - 25, 2009
Privacy Office
June 29, 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 18, 2009, **Jesse Franzblau** of *The National Security Archive* in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) all documents pertaining to Operation Desert Safeguard, a cooperative effort between the United States and Mexico to reduce migrant deaths in the Sonora Desert area.
2. On June 19, 2009, **Nathan Cardozo**, a representative from **Electronic Frontier Foundation**, in San Francisco, California, requested from the Office of Inspector General (OIG) the following: 1) All DHS records, including but not limited to electronic records, all reports submitted to the Intelligence Oversight Board ("IOB") pursuant to Section 2.4 of Executive Order 12863 from February 25, 2008 to February 29, 2008; 2) All reports submitted to the IOB or the Director of national Intelligence ("DNI") pursuant to Section 1.7(d) of the Executive Order 12333 from February 29, 2008 to the present; and 3) All reports of any assessments or reviews of intelligency activities by the President's Intelligence Advisory Board ("PIAB") to the DHS pursuant to Section 4(a)(ii) of Executive Order 13462 from February 29, 2008 to the present.
3. On June 19, 2009, **Jesse Franzblau** of *The National Security Archive* in Washington, D.C., requested from Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) all documents related to deaths of Mexican migrants in the Arizona-Sonora area in 2003 and any safety or security measures taken in response to these incidents.
4. On June 19, 2009, **Steven Emerson** from *SAE Productions* in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) records pertaining to the February 2009 meeting between Council on American-Islamic Relations' Civil Rights Director and USCIS.
5. On June 22, 2009, **Michael Rey**, Field Producer for *CBS News* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) air quality testing conducted by the Center for Disease Control and Prevention (CDC)/Agency for Toxic Substances and Disease Registry (ATSDR) relating to Formaldehyde and FEMA travel trailers in Purvis, Mississippi, and copies of communications between CDC/ATSDR and FEMA between August 1, 2007, and November 2, 2007.

6. On June 22, 2009, **Holbrook Mohr**, a staff writer for *The Associated Press* in Jackson, Mississippi, requested from the Federal Emergency Management Agency (FEMA) any and all documents, including itemizations for room rates and room service expenditures, related to a \$1,414,500 contract for hotel rooms pertaining to Hurricane Katrina.
7. On June 22, 2009, **Brad Heath**, Reporter for *USA Today* in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) data on Public Assistance applications and awards from 2004 to the present, including location of projects, the disaster number and the amount of funding obligated.
8. On June 22, 2009, **Jesse Franzblau** of *The National Security Archive* in Washington, D.C. requested from Immigration and Customs Enforcement (ICE) all documents related to the “Local arrangement for Repatriation of Mexican Nationals” agreement between the United States and Mexico.
9. On June 22, 2009, **Anne Weismann, Citizens for Responsibility and Ethics in Washington (CREW)**, in Washington, D.C., requested from the U.S. Secret Service (USSS) all records relating to any visit that the following individuals made to the White House or the residence of the Vice President from January 21, 2009, to the present: Bill Tauzin, Pharmaceutical Research and Manufacturers of America; Karen Ignagni, America's Health Insurance Plans; Richard Umbdenstock, American Hospital Association; J. James Rohack, American Medical Association; Wayne T. Smith, Community Health Systems; Ben J. Lipps, Fresenius Medical Care AG & Co.; William C. Weldon, Johnson & Johnson; Jeffrey B. Kindler, Pfizer Inc.; William A. Hawkins, III, Medtronic, Inc.; Robert L. Parkinson, Jr., Baxter International, Inc.; Stephen J. Hemsley, United Health Group, Inc.; Angela F. Braly, Well Point, Inc.; George Halverson, Kaiser Foundation Health Plan; Jay Gellert, Health Net, Inc.; Thomas Priselac, Cedars-Sinai Health System; David Nexon, Advanced Medical Technology Association; Richard Clark, Merck; Rick Smith, Pharmaceutical Research and Manufacturers of America.
10. On June 23, 2009, **Travis Loller** of the *Associated Press* in Brentwood, Tennessee, requested from Immigration and Customs Enforcement (ICE) copies of e-mails sent from ICE to the Davidson County Sheriff's Office in Davidson County, Tennessee that describe plans by ICE to no longer detain illegal immigrants identified under the local 287(g) program who are arrested for traffic violations other than Driving Under the Influence (DUI).
11. On June 23, 2009, **John Greenewald, Jr.** of *The Black Vault Radio Show* in Northridge, California, requested from the U.S. Coast Guard records relating to Operation Distant Shore.
12. On June 25, 2009, **John Verdi**, Director of the Open Government Project, **Electronic Privacy Information Center**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all agency records concerning appointments and meetings between Mary Ellen Callahan, Chief Privacy Officer, and all non-governmental individuals or entities

from the date of her appointment, March 9, 2009, to the present, as well as all agency records concerning Ms. Callahan's appointments and meetings for May 29, 2009.

13. On June 25, 2009, **Emily Ramshaw** of *The Dallas Morning News* in Austin, Texas, requested from Immigration and Customs Enforcement (ICE) the following, as they pertain to a provided list of Texas detention facilities: 1) All inspection/conditions reports since Jan. 1, 2007; 2) The number of abuse, neglect or exploitation allegations at each of these facilities in each of the last two years, and the percentage that were confirmed; 3) The number of psychiatrists or psychologists currently employed at each of these facilities.
14. On June 25, 2009, **John Verdi**, Director of the Open Government Project, **Electronic Privacy Information Center (EPIC)**, in Washington, D.C., requested from the DHS Management Directorate (MGMT), National Security Presidential Directive 54, and related records in possession of the agency.

- **Lawsuits:**

1. A new action filed against FEMA captioned *WildEarth Guardians vs. Federal Emergency Management Agency*, US District Court for the District of New Mexico. Action involves failure to provide substantive responses to four FOIA requests. The court is compelling FEMA to provide responsive documents within 30 days. The FEMA Office of Chief Counsel is coordinating with the Court for a 45 day extension.

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 10th 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 IGSAs as well as copies of 17 separate IGSAs.

- 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 Pittsburgh, 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 Pittsburgh 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 (b)(6)
- 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

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 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

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 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

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 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 indentifying 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 indentifying 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

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 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 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

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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 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

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 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

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 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, _____ an individual from _____ 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

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 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

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 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 Immigrations 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

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 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

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

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 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, _____ a self-proclaimed journalist from _____ requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to eleven prior _____ 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 McLravy**, 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

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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 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

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 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

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

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 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 McLavy**, 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 federal 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 Scientists**, 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 XXXXXXXXX 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, _____ an individual from _____ 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 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 Las 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) Williard 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, _____, 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 *Callaway 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 Callaway 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

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Exemption 2: internal agency rules and practices

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

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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 – 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

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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 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

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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 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, 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

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 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

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 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 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 Sea-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 _____ an individual from _____ 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 Jacobi**, Associate Producer with **Sirens Media** in 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 _____ 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 Fletzt**, 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

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 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

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 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, an independent blogger in 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 _____ an independent blogger in _____ 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 _____ a blogger in _____ 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 _____ a blogger in _____ 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, _____ an independent blogger in _____ 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 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 Southers 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, _____, an independent blogger in _____, 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 to 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 I-129, "Petition for a Nonimmigrant Worker," 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 Joseph (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 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 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) EI 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 an individual in 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 Sevens**, 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 requested 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 Kearsarge Module Transport Project, Imperial Oil/ExxonMobil and Sung Jin Geotec Co. (Case Number 2011FOIA0409).
- On November 2, 2010, _____ an individual in _____ 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) 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, _____ an individual in _____ 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

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 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

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 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, _____ a self-proclaimed journalist in _____ 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 [REDACTED] a self-proclaimed journalist in [REDACTED] 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 [REDACTED] (b)(6) [REDACTED] 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, FIIESPUMP.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, _____ a self-proclaimed journalist from _____ 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 an 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 _____ an individual in _____ 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

FOIA Activity for the Week of December 31, 2010 – January 6, 2011
Privacy Office
January 10, 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:

- NSTR

II. FOIA Requests

- On January 3, 2011, **Robert O’Harrow**, a reporter with the *Washington Post* in Washington, D.C., requested from the Department of Homeland Security (DHS) Domestic Nuclear Detection Office (DNDO) the following records: 1) The names of all employees of DNDO, their dates of employment, their salaries and the annual bonuses they received, by year, for each year, from the creation of the office to the present; and 2) Performance bonuses or fees paid to all DNDO contractors during the same time period. (Case Number DHS/OS/PRIV 11-0323).
- On January 3, 2011, **Michael H. Page**, a staff attorney with **Public Citizen Litigation Group** in Washington, D.C., requested from the Department of Homeland Security (DHS) all records dated on or after January 1, 2006, that discuss, refer to, or relate to private entities' (including but not limited to PayPal, MasterCard, Visa, and Amazon.com) business relationships with WikiLeaks, including efforts to deter or discourage such entities from doing business with WikiLeaks. (Case Number DHS/OS/PRIV 11-0311).
- On January 3, 2011, **Michael H. Page**, a staff attorney with **Public Citizen Litigation Group** in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records: 1) All records dated on or after January 20, 2009, containing communications between the agency or an agency employee and Bob Woodward, journalist for the Washington Post; and 2) All records dated on or after January 20, 2009, containing calendar entries or other notes of scheduled or past meetings between agency employees and Bob Woodward. (Case Number DHS/OS/PRIV 11-0318).
- On January 3, 2011, _____ a self-proclaimed journalist from _____ requested from the Department of Homeland Security (DHS) the following records: 1) Copy of the contents of the administrative file of the four oldest FOIA requests at (DHS) Office of the General Counsel (OGC) and 2) Copy of the contents of the administrative file for the 10 oldest pending FOIA Administrative appeals at OGC. (Case Number DHS/OS/PRIV 11-0315).
- On January 3, 2011, _____ a self-proclaimed journalist from _____ requested from the Department of Homeland Security (DHS) a copy of the contents of the administrative file

of the four oldest FOIA requests at the Privacy Office. (Case Number DHS/OS/PRIV 11-0319).

- On January 3, 2011, United States Citizenship and Immigration Services (USCIS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Walter F. Roche**, a reporter with the *Pittsburgh Tribune-Review*, in Pittsburgh, Pennsylvania, seeking records related to the authorization for the transport and admission of children from orphanages in Haiti to the United States following the January 12, 2010 earthquake. (Case Number DHS/OS/PRIV 11-0326).
- On January 3, 2011, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from U.S. Customs and Border Protection (CBP) records residing in the computer of Maria Luisa O'Connell (Assistant Commissioner for Public Affairs, CBP), as well as those working for her, for the date range January 2009 to the present entitled "talking points." (Case Number CBP FOIA #2011F01993).
- On January 3, 2011, the U.S. 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, relating to the United States-European Union High Level Contact (HLCG) on data privacy and law enforcement cooperation. (Case Number DHS/OS/PRIV 11-0327).
- On January 3, 2011, **R.M. Tipton**, a Special Assistant Attorney General with the **Mississippi Office of Attorney General** in Jackson Mississippi, requested from the Department of Homeland Security (DHS) records relating to the performance audit and review of the DHS-FEMA Public Assistance Grant Program (CDPA Program Number 97.036) in Mississippi. (Case Number DHS/OS/PRIV 11-0310).
- On January 4, 2011, **David A. Baay**, a representative of **Sutherland Asbill & Brennan L.L.P.** in Houston, Texas, requested from the United States Coast Guard (USCG) records related to the (b) (6) inspection of the Deepwater Horizon blowout preventer ("BOP") at NASA's Michoud Assembly Facility in New Orleans, Louisiana. The document requested is a letter from the Climate Science Branch (CSB) requesting the removal of (b) (6) from the BOP inspection site, received by the DNV on or around December 13, 2010. (Case Number 2011FOIA1034).
- On January 5, 2011, **N. MacKenzie**, an individual, requested from the United States Coast Guard (USCG) all documentation on the applications and the procedures thereof pertaining to chemicals, compounds, products, dispersants, shore cleaners, surfactants, and bioremediation products pertaining to the Gulf of Mexico since July 15, 2010, including but not limited to the Deepwater Horizon incident. (Case Number 2011FOIA1066).
- On January 5, 2011, U.S. Immigration and Customs Enforcement (ICE) referred to U.S. Customs and Border Protection (CBP) a request from

Michael Kiefer, a reporter with the *Arizona Republic* in Phoenix, Arizona, records regarding shipments of the drug sodium thiopental, a controlled substance under U.S. law, imported from the United Kingdom to the Arizona Department of Corrections or its representatives through Phoenix Sky Harbor from September 1, 2010 through the present. (Case Number CBP FOIA #2011F04452).

- On January 5, 2011, **Scott Thomas**, an attorney with the **City of Burlington, Washington**, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA's Technical and Scientific Data Notebook ("TSDN") used to determine proposed flood elevations for the Skagit River in Skagit County, Washington. (Case Number 11-190).

Late Request

- On December 30, 2010, **Cal Skinner**, a blogger with the *McHenry County Blog* in Crystal Lake, Illinois, requested from the Department of Homeland Security (DHS) the names of employers located in McHenry County, Illinois, for the last 12 months (or 2010, if such data is available), which were fined by DHS for having employed undocumented aliens. (Case Number DHS/OS/PRIV 11-0321).
- On December 30, 2010, **Cal Skinner**, a blogger with the *McHenry County Blog* in Crystal Lake, Illinois, requested from the Department of Homeland Security (DHS) the names of employers of those detained so far in McHenry County under the Safe Communities [sic] program. (Case Number DHS/OS/PRIV 11-0322).

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

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 7 - 13, 2011
Privacy Office
January 18, 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 January 7, 2011, United States Citizenship and Immigration Services (USCIS) posted a draft memorandum entitled *Eligibility to Self-Petition as a Battered or Abused Parent of a U.S. Citizen; Adjudicator's Field Manual (AFM) Chapter 21.15, Update AD 06-32*, on its public website for feedback. This policy memorandum provides guidance to USCIS officers regarding the extension of the ability to self-petition to battered parents of U.S. citizens, as well as work authorization for approved Violence against Women Act (VAWA) self-petitioners. The final date for comments is January 24, 2011.
 - On January 11, 2011, United States Citizenship and Immigration Services (USCIS) posted an interim memorandum entitled *Instructions for Handling Regressed Visa Number (Employment-Based and Family-Based) Adjustment of Status Cases Interviewed at USCIS Field Offices; Revision to Adjudicator's Field Manual (AFM) Chapter 20.1(e) (AFM Update AD 11-02)*, on its public website for feedback. This memorandum provides instructions to USCIS offices on handling regressed visa number Adjustment of Status cases (employment-based and family-based) interviewed at USCIS field offices on or after January 1, 2011. The final date for comments is January 26, 2011.

II. FOIA Requests

- On January 14, 2011, **Congressman Darrell Issa (CA-R)**, Chairman, Committee on Oversight and Government Reform, U.S. Congress in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records: 1) Electronic communications and memoranda between and among personnel in the Office of the Secretary and the Office of General Counsel relating to FOIA request, review and response guidelines and procedures; 2) Electronic communications and memoranda between and among personnel in the Office of the Secretary and the Office of General Counsel relating to specific FOIA requests that were reviewed by any person outside of the DHS FOIA office; 3) Memoranda to or from Chief Privacy Officer Mary Ellen Callahan and staff in the DHS Privacy Office relating to FOIA request, review and response guidelines and procedures. (Case Number 01-14 DEI to Napolitano –DHS).
- On January 10, 2011, **Nate Carlisle**, a journalist with the *Salt Lake Tribune* in Salt Lake City, Utah, requested from the Department of Homeland Security (DHS) and the Federal Emergency Management

Agency (FEMA) the following records: 1) Records of all payments or expenditures related to security at Flaming Gorge Reservoir or Flaming Gorge Dam since Sept. 11, 2001; 2) Agendas, schedules or other plans issued in preparation for anti-terrorism or security exercises held at Flaming Gorge Reservoir or Flaming Gorge dam in 2003 and 2009 and the after-action reports or assessments made after both exercises; 3) Records of all real or perceived security threats made or executed against Flaming Gorge Dam or Flaming Gorge Reservoir since Sept. 11, 2001; and 4) Records describing the likely or potential outcome of any man-made attacks or terrorism attacks against Flaming Gorge Dam or Flaming Gorge Reservoir. (Case Number DHS/OS/PRIV 11-0336 and 11-194).

- On January 12, 2010, (b) (6) a blogger in Wilburn, Arkansas, requested from the Department of Homeland Security (DHS) and the United States Coast Guard (USCG) the following records: 1) Any and all documents related to the (b) (6) allegation of an alleged threat against him by the requester and any and all documents on his 2002 order for Naval Criminal Investigative Service (NCIS) Europe Division investigation of the requester and any and all documents on the findings of from NCIS clearing the requester of USCG allegations; 2) Any and all documents related to the requester PETITION FOR RULEMAKING: NATIONAL OPEN CARRY HANDGUN AND/OR SMALL ARMS AND LIGHT WEAPONS ENDORSEMENT FOR THE MERCHANT MARINER'S DOCUMENT under the MERCHANT MARINERS DOCUMENTS PILOT PROGRAM, Section 611 of the USCG AND MARITIME TRANSPORTATION ACT OF 2004 (HR 2443) Public Law No. 108-293, August 9, 2004; 3) Any and all documents relating to the U.S. DEPARTMENT OF TRANSPORTATION'S (DOT) BAR NOTICES of 2004 and 2006, and any and all correspondence between the USCG and the DOT including but not limited to between (b) (6) Special Agent, U.S. COAST GUARD INVESTIGATIVE SERVICE (CGIS) and the DOT or any other agency of the United States; 4) Any and all documents and correspondence relating to MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE (MERPAC) regarding the requester's recommendation for recognition of Second Amendment rights of U.S. merchant seaman in the form of an endorsement on the Merchant Mariner's Document and/or the Merchant Mariner's Credential; 5) Any and all documents and correspondence relating to Second Amendment rights of U.S. merchant seamen receiving mandatory federal small arms qualification training in accordance with OPNAVINST 3591.1C (May 13, 1992) through OPNAVINST 3591.1F (August 12, 2009) SMALL ARMS TRAINING AND QUALIFICATION in relation to the MERCHANT MARINER'S DOCUMENT, the MERCHANT MARINER'S CREDENTIAL, and the TRANSPORTATION WORKER'S IDENTIFICATION CREDENTIAL (TWIC); 6) Any and

all documents and correspondence related to the requester's proposal for a Commandant Instruction Manual titled, THE MANUAL FOR THE U.S. MERCHANT MARINE AUXILIARY AND THE PRIVATEER (MODELED AFTER THE COAST GUARD AUXILIARY MANUAL); 7) Any and all documents and correspondence related to the requester's proposal to the USCG for THE U.S. MERCHANT MARINE AUXILIARY AND THE PRIVATEER ACT OF 2005 as Part III to Title 14 of the U.S. Code; 8) Any and all USCG and DHS documents and correspondence related to the requester's lawsuits in the federal courts from 2002 to the present; 9) Any and all USCG and DHS documents and correspondence related to the role of U.S. merchant seaman in homeland security when DHS has general superintendence over the U.S. merchant marine and of merchant marine personnel in relation to the Second Amendment rights of U.S. merchant seamen; 10) Any and all USCG and DHS documents and correspondence related TWIC cards excluding or including the Second Amendment rights of U.S. merchant marine personnel; and 11) Any and all USCG documents and correspondences about whether any and all documents and correspondences were or were not acts or instances of retaliation in violation of the USCG Non-Retaliation Policy because the requester questioned or lodged an administrative complaint regarding a USCG policy or action, to the USCG or to anyone else, or because the requester filed a civil complaint against the members of the USCG about a USCG policy or action. (Case Number DHS/OS/PRIV 11-0346).

- On January 13, 2011, **Ginger McCall**, Assistant Director of **Electronic Privacy Information Center (EPIC)** Open Government Project in Washington, D.C., requested from the U.S. Secret Service (USSS) records concerning investigations by the USSS into the identities of donors to Wikileaks or the identities of Internet users who accessed data from Wikileaks. (Case Number USSS 1-13-2011).

Late Request

- On January 7, 2011, **Christine Ng**, a representative of **Environ Corporation** in Arlington, Virginia, requested from the United States Coast Guard (USCG) all reports, summaries, analysis, correspondence, or logs that pertain to the determination by the USCG or others of flame and plume heights associated with the April 20-22, 2010, DWH rig fire, and all of the underlying data and documents on which any such determination is based, as well as electronic copies of photographs and videos taken of the DWH incident and the associated metadata, including, but not limited to, information on the aircraft and/or vessel location from which the image was taken (including camera height), photograph time, camera model and focal length, aircraft or vessel velocity, camera angle, and camera calibration file. (Case Number 2011FOIA1110).
- On December 17, 2010, **Bobby Roseberry**, a representative of the **National Society of Government Employees**, requested from the United

States Coast Guard (USCG) a current list containing the names and work addresses of all Civilian Federal Employees working in District 13. (Case Number 2011FOIA1134).

- On December 19, 2010, **Steven Roberts**, an attorney with **Sutherland Asbill & Brennan L.L.P.** in Houston, Texas, requested from the United States Coast Guard (USCG) all written communications between the Joint Investigation Team and any person concerning the Blowout Preventer (BOP) testing protocols, procedures, results of testing and attendance by any individual during the examination and/or testing process in the matter of the Fire and Explosion on the Deepwater Horizon. (Case Number 2011FOIA1086).
- On December 30, 2010, **Anthony Buancore**, a representative of **AB Marine Consulting, L.L.C.** in Baton Rouge, Louisiana, requested from the United States Coast Guard (USCG) the following records: 1) All information possessed by the USCG on oil spill decontamination issues related with the BP Oil Spill response involving the following USCG buoy tenders: FIR, JUNIPER, ELM, ASPEN and WALNUT; 2) The Unified Command Oil Spill Trajectory overlay maps for the Gulf of Mexico for the following days - June 8, 22, 28 and 30, and July 3, 6 and 11; and 3) All communications, records and documents relative to the decontamination of the Tug MARTIN SPIRIT, the Barge MARTIN ENDEAVOR, the Tug ORION and the Barge POSEIDON. (Case Number 2011FOIA1090).
- On January 3, 2011, **Jeff Hampton**, a reporter with *The Virginian-Pilot* in Norfolk, Virginia requested from the United States Coast Guard (USCG) the final report on the H-60 Helicopter crash that occurred in Utah in March 2010. (Case Number 2011FOIA1092).
- On January 4, 2011, **Bruce Buckerfield**, an individual in Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of Region IV contracts listing Bruce Buckerfield as the Contracting Officer's Technical Representative (COTR) since 1994. (Case Number 11-202).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of a potential (2005) lawsuit against the City of Belhaven, North Carolina, and the North Carolina Department of Crime Control and Public Safety. (Case Number 11-203).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of emails between Rob Lowe and (b) (6) regarding Bruce Buckerfield. (Case Number 11-204).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA Region IV travel vouchers for six Region IV employees. (Case Number 11-205).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency

(FEMA) a copy of the job description for FEMA Region IV Administrator's lead administrative assistant. (Case Number 11-206).

- On January 4, 2011, **Natasha Minsker**, the Death Penalty Policy Director with the **American Civil Liberties Union (ACLU)** of Northern California in Burlingame, California, and **Tim Redmond**, a reporter with **The San Francisco Bay Guardian** in San Francisco, California, requested from U.S. Customs and Border Protection (CBP) all documents regarding importations of the drug sodium thiopental, to include all memorandums, letters, communications, policies or directives. (Case Number CBP FOIA 2011F04665).
- On January 4, 2011, **G.W. Schulz**, a reporter with the **Center for Investigative Reporting** in Austin, Texas, requested from the Office of Inspector General (OIG) a list of investigations conducted by the OIG from 2003 to the present. (Case Number OIG FOIA #2011-046).
- On January 7, 2011, **Eileen Sullivan**, a reporter with **The Associated Press** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) all inspection, incidents, and any other reports on mistreated or dead CBP and Border Patrol K-9's. (Case Number CBP FOIA 2011F04813).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 12, 2011, United States Citizenship and Immigration Services (USCIS) released to _____ a self-proclaimed journalist from _____ 372 pages responsive to his request seeking a copy of each report produced for congress by USCIS for the past 3 years. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On January 10, 2011, U.S. Customs and Border Protection (CBP) released to **Kathy Roberts**, a staff attorney with **The Center for Justice & Accountability** in San Francisco, California, 1 page of material consisting of a report that list trainees from a particular country responsive to her appeal of the response from CBP to her request for eight categories of information related to U.S. Government trainings 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. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On January 11, 2011, the United States Coast Guard (USCG) released to **Claudette Juska**, a research specialist with **Greenpeace** in Washington, D.C., 980 pages of responsive documents to her request seeking the following records: 1) Records of all meetings and correspondence between the USCG, BP and the EPA concerning directives on the use of dispersants; 2) Exemptions granted to BP by the USCG concerning EPA

ordered limitations of surface and subsurface dispersants; 3) The affects of the exemptions to the dispersant application limits; and 4) BPs efforts to be transparent in their use of dispersants. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4), (b)(5), and (b)(6).

V. Lawsuits

- In the matter of Electronic *Frontier Foundation vs. DOD, et al*, (ND Cal. CV-09-5640), 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) on January 13, 2011, the U.S. Secret Service (USSS) sent a response outlining an updated search and the decision not to release any additional documents to the plaintiff.

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 14 - 20, 2011

Privacy Office

January 24, 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 January 13, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum *Requests to Expedite Adjudication of Form I-601, Application for Waiver of Grounds of Inadmissibility, filed by individuals outside the United States; Adjudicator's Field Manual (AFM) Update AD 11-10* on its public website for review and comment by stakeholders. This memorandum would provide guidelines on how USCIS processes requests to expedite the adjudication of Forms I-601 filed by individuals outside the United States. The final day to submit comments is January 28, 2011.
- On January 14, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum *Extension of Validity of Medical Certifications on Form I-693; Adjudicator's Field Manual (AFM) Update AD11-13, Chapter 40.1(c) Validity of Form I-693* on its public website for review and comment by stakeholders. This memorandum would temporarily extend the validity of civil surgeon endorsements on Form I-693 for adjustment of status applicants. The final day to submit comments is January 31, 2011.
- On January 14, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum *Adjudication of Adjustment of Status Applications from Aliens Present in the Commonwealth of the Northern Mariana Islands (CNMI) on or after November 28, 2009. Addition of Chapter 36.3 to the Adjudicator's Field Manual (AFM); AFM Update AD10-19* on its public website for review and comment by stakeholders. This memorandum would provide guidance and update the AFM regarding adjudication of family and employment-based Adjustment of Status Applications from aliens present in the CNMI. The final day to submit comments is January 31, 2011.
- On January 14, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that the Department of Homeland Security, in conjunction with the Department of State, has identified 53 countries whose nationals are eligible to participate in the H-2A and H-2B programs for the year. These programs allow U.S. employers to bring foreign nationals into the country to fill temporary agricultural and nonagricultural jobs, respectively. The new list does not affect current holders of valid H-2A or H-2B visas.
- On January 18, 2011, United States Citizenship and Immigration Services (USCIS) posted an item on its public website about the recent high marks the E-Verify program has received in customer satisfaction, as a

determined by an independent survey by a consulting firm that specializes in measuring customer satisfaction. The news item also addressed a report by GAO that acknowledged E-Verify's improvement in ensuring employer compliance and creation of additional safeguards to minimize and secure the handling of employee information. Links to both reports, which are also posted on the website, are included in the article.

II. FOIA Requests

- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the Department of Homeland Security (DHS) a copy of any written or electronic correspondence between Congressman Darrell Issa (R-CA) of California, or his personal or committee staff and DHS that dealt with any specific individual or corporation. (Case Number 11-0352)

Late Request

- On January 7, 2011, **Bruce Buckerfield**, an individual in Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of emails between FEMA Office of Chief Counsel and the Office of the Inspector General regarding a December 4, 2010 92-page document emailed by the requester entitled "Complaint Regarding FEMA Region IV Management." (Case Number 11-222)
- On January 7, 2011, **Scott Amey**, General Counsel for the **Project on Government Oversight** in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) the following records: 1) Contracts that were authored by, directed or copied to, mention, reference and/or involve any contract award to an Alaskan Native Corporation [ANC]; 2) All contracts and grants awarded by FEMA's OCC; 3) Records that allege, mention, reference, and/or involve any ethical or legal misconduct by a FEMA contract officer or contract officer technical representative, or responds thereto; 4) Records that identify FEMA officials and/or employees who traveled abroad, the purpose or mission of their travel, the function or activity attended, the destination of their travel, and the cost to the government for such travel; 5) request or provide information, guidance, and/or directives concerning the availability of cash awards and/or funds for continuing legal education travel and/or attendance; 6) A list of all FEMA's sole source contracts; and 7) A copy of FEMA's regulations or guidance governing sole source contracts and/or personal service contracts, and/or fees, costs, and payments allowed under such contracts. (Case Number 11-227).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 20, 2011, the Office of Inspector General (OIG) released to **Jennifer Lynch**, a Staff Attorney with **Electronic Frontier Foundation**

(EFF) in San Francisco, California, a 6-page list of complaints received by OIG responsive to her request seeking the following records: 1) All complaints from travelers submitted to 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. Portions of this response were withheld pursuant to FOIA exemption (b)(7)(A). Additionally, personally identifiable information was withheld as non-responsive.

- On January 21, 2011, the Department of Homeland Security (DHS) released to **Adam Rosen**, an attorney with the **Murthy Law Firm** in Owings Mills, Maryland, 16 pages of record pertaining to Homeland Security Delegation No. 0150.1, and 7030.2 and all subsequent Homeland Security Delegations and Directives that may have superseded Homeland Security Delegation No. 0150.1 and 7030.2 in whole or in part. The records were release in full with no deletions.
- On January 24, 2011, the Department of Homeland Security (DHS) released to **Edward Hasbrouck**, with **The Identity Project** in Oakland, California, 202-pages of records relating to his request seeking documents created in the course of processing, investigating, or action on his complaints of FOIA and Privacy Act violations. Portions of this response were withheld pursuant to FOIA Exemption (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 January 21 - 27, 2011
Privacy Office
January 31, 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:

- NSTR

II. FOIA Requests

- On January 21, 2011, **Monica Alonzo**, a reporter with the *Phoenix New Times* in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: 1) Copies of Investigative reports related to any and all CBP law enforcement officers and agents who have been arrested or indicted on mission-critical corruption charges, including drug smuggling, alien smuggling, money laundering and conspiracy from 2000 to 2010; 2) Annual reports from 2005 to 2010 regarding how many weapons CBP has seized annually by or at all U.S. – Mexico border ports of entry; 3) Statistics regarding the number of complaints filed from 2005 to 2010, against CBP agents/officers with assignments along the U.S. – Mexico border; 4) Letters of complaints received from 2005 to 2010, by the Chief Patrol Agent at CBP Border Sectors along the U.S. – Mexico border; and 5) Reports/statistics from 2005 to 2010, that reveal how many CBP employees with assignments along the U.S. – Mexico border have been disciplined for mistreatment of illegal aliens in their custody. (Case Number CBP FOIA #2011F04972).
- On January 21, 2011, **Aileen B. Flores**, a reporter with the *El Paso Times* in El Paso, Texas, requested from U.S. Customs and Border Protection (CBP) copies of photographs of an individual taken into custody by CBP at the El Paso International Airport on January 20, 2011. (Case Number CBP FOIA #2011F04992).
- On January 25, 2011, **Jacques Billeaud**, a reporter with *The Associated Press* in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) records regarding the details of the death of CBP Agent Brian Terry. (Case Number CBP FOIA #2011F05045).
- On January 26, 2011, **Rebecca Guiterman**, an individual with *The New Yorker* in New York, New York, requested from the United States Coast Guard (USCG) a list of all FOIA requests pertaining to the Gulf oil spill of 2010. (Case Number 2011FOIA1331).

Late Requests

- On January 5, 2011, **Peter Kuitenbrouwer**, a reporter with *The National Post* in Toronto, Ontario, Canada, requested from United States

Citizenship and Immigration Services (USCIS) all records relating to an individual. (Case Number NRC2011010113).

- On January 7, 2011, **Virginia Benzan**, a staff attorney with the **Massachusetts Law Reform Institute** in Boston, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) all decisions of the Northeast Region Director from January 8, 2008 until January 7, 2011, granting or denying deferred action status. (Case Number COW2011000071).
- On January 10, 2011, **Katie Cribbs**, a reporter with **WINK-TV** in Fort Myers, Florida, requested from United States Citizenship and Immigration Services (USCIS) the following records for the years 2009-2010: 1) A list of all employers participating in the H-2B program in the state of Florida; 2) The number of employees involved in the program; 3) Copies of all employer applications; 4) The total number of businesses in Florida that apply for this status; and 5) The number of applications approved each year in the state. (Case Number COW2011000032).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the United States Coast Guard (USCG) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and the USCG regarding Microsoft. (Case Number 2011FOIA1250).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the United States Coast Guard (USCG) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and the USCG regarding Chevron Corporation. (Case Number 2011FOIA1251).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and FEMA regarding Qualcomm, Inc. (Case Number 11-236).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and FEMA regarding any specific individual or corporation. (Case Number 11-236).
- On January 19, 2011, **Kevin Rogerson**, a City Attorney in Mount Vernon, Washington, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA's Technical and Scientific Data Notebook (TSDN). (Case Number 11-254).
- On January 20, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) and the Federal Emergency Management Agency (FEMA) copies of any correspondence between Congressman Darrell Issa (R-CA), or his staff and USCIS or FEMA regarding United Parcel Service. (Case Number COW2011000061).
- On January 16, 2011, **David Perera**, a reporter with **FierceGovernmentIT** in Washington, D.C., requested from U.S.

Customs and Border Protection (CBP) copies of an Analysis of Alternatives conducted on border technology possibilities encompassing the El Paso, San Diego, and Rio Grande Valley sectors. (Case Number CBP FOIA #2011F04873).

- On January 20, 2011, **Gordon Arbuckle**, Principal, EMSNet, L.L.C. in Boulder, Colorado, requested from the United States Coast Guard (USCG) the following records: 1) Copies of any and all claims submitted to the National Pollution Funds Center (NPFC) seeking compensation from the Oil Spill Liability Trust Fund for damages as defined in 33 U.S.C. §2702(b)(2) resulting from the Gulf of Mexico Deepwater Horizon Oil Spill event of April 20, 2010; 2) Any and all orders, statements of policy, agency guidance, or other interpretation setting forth any policy within the NPFC's possession or control setting forth any applicable policy for position regarding the eligibility for compensation of damages resulting from or affected by any governmental action taken in response to the Gulf of Mexico Deepwater Horizon Oil Spill event of April 20, 2010; 3) The "Deepwater Offshore Drilling Moratorium" imposed by the Obama Administration on July 12, 2010; and 4) Any and all interim or final determinations regarding any of the claims identified above. (Case Number 2011FOIA1263).
- On January 20, 2011, **Vivek Mittal**, an Equal Justice Works Fellow/Staff Attorney with the **National Immigration Law Center** in Los Angeles, California, requested from United States Citizenship and Immigration Services (USCIS) records regarding Interim Employment Authorization Documents pursuant to 8 C.F.R. § 274a.13(d). (Case Number COW2011000062).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 24, 2011, the United States Coast Guard (USCG) released to **Alexander Nicholson**, founder and executive director of **Servicemembers United**, the number of service personnel that were separated from the USCG under the "Homosexual Conduct Policy" during 2010. These records were released in full. (Case Number 2011FOIA0288).
- On January 25, 2011, the United States Coast Guard (USCG) issued to **Larry Bryant**, a writer with **UFO Magazine**, Lambertville, New Jersey, a no records determination in response to his request seeking all records pertaining to the 1973 UFO-intrusion incident in 1973 involving the USCG Cutter SPENCER 73. (Case Number 2010FOIA3411).
- On January 25, 2011, United States Citizenship and Immigration Services released to **Suzanne Gamboa**, a reporter with **The Associated Press** in Washington, D.C., 1,977 pages 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 Exemptions (b)(5) and (b)(6). (Case Number COW2010000521).

- On January 26, 2011, the Office of Inspector General (OIG) released to **G.W. Schulz**, a reporter with the ***Center for Investigative Reporting*** in Austin, Texas, a 234-page list of investigations conducted by the OIG from 2003 to the present. These records were released in full. (Case Number OIG FOIA #2011-046).
- On January 27, 2011, United States Citizenship and Immigration Services released to **Paul Higbee, Jr.**, an attorney from Cumming, Georgia, 279 pages pertaining to the USCIS Verification Division. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number NRC2009026711).
- On January 27, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal**, from **Schuster Institute for Investigative Journalism** in Oakland, California, 27 pages in response to her request seeking records relating to DNA fraud in the adoptions of Guatemalan children by United States citizens. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).

V. Lawsuits

- In the matter of *Janina Molek vs. Janet Napolitano, Eric Holder, Alejandro Mayorkas and Ruth Dorochof*, (10 CV 5551), the Plaintiff filed a complaint January 18, 2011, claiming that her entire record was not disclosed under the FOIA/PA Act.

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 28 – February 3, 2011
Privacy Office
February 7, 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 January 27, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that it has reached the statutory cap of 65,000 H-1B petitions for FY 2011. Accordingly, January 26, 2011, is the final receipt date for new H-1B specialty occupation petitions requesting an employment start date in FY 2011. Applications received on January 26, 2011, will be selected using a computer-generated random selection process to meet the cap. Unselected applications will be rejected and the fee returned. This cap does not apply to petitions exempt from the cap due to the “advanced degree” exemption, which continues to be processed. Additionally, petitions filed on behalf of current H-1B workers who were previously counted against the cap will not be counted again, so USCIS will continue to accept and process those petitions.
- II. FOIA Requests**
- On January 28, 2011, **David Shapiro**, staff attorney with the **American Civil Liberties Union’s National Prison Project** in Washington, D.C., requested from the Department of Homeland Security (DHS) and the Office of Inspector General (OIG) records concerning sexual abuse of detainees in the custody of U.S. Immigration and Customs Enforcement (ICE) from January 1, 2007 to the present. (Case Number DHS/OS/PRIV 11-372 and OIG FOIA #2011-062).
 - On February 1, 2011, **Laura Strickler**, a producer with **CBS News** in Washington, D.C., requested from the United States Coast Guard (USCG) records related to a 27-foot National Oceanic and Atmospheric Administration (NOAA) law enforcement vessel that was inspected by the USCG in 2008 and is currently located in Seattle, Washington. (Case Number 2011FOIA1375).
 - On February 2, 2011, **John Althen**, a reporter with **Judicial Watch Inc.**, in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) statistical records from the ENFORCE database concerning breaches of the U.S.-Mexico border fence between FY 2009-FY 2010. (Case Number CBP FOIA #2011F05204).
 - On February 2, 2011, **Kim Murphy**, a reporter with *The Los Angeles Times*, Northwest Bureau, Bainbridge Island, Washington, requested from U.S. Customs and Border Protection (CBP) records by CBP in regards to the details of the death of CBP Agent Brian Terry. (Case Number CBP FOIA #2011F05207).

- On February 2, 2011, **Scott Taylor**, an investigative reporter with **19 Action News** in Cleveland, Ohio, requested from the United States Coast Guard (USCG) a copy of the USCG Hearing Office letter to (b) (6) or his lawyer regarding the final decision on his citation of (b) (6) (Case Number 2011FOIA1383).

Late Request

- On January 19, 2011, **Kevin Rogerson**, City Attorney of Mount Vernon, Washington, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA's Technical and Scientific Data Notebook (TSDN) used to determine proposed flood elevations for the Skagit River in Skagit County, Washington. (Case Number 11-254).
- On January 26, 2010, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all DHS Weekly Cabinet Reports to White House created between December 22, 2010 to the present. (Case Number DHS/OS/PRIV 11-384).
- On January 27, 2010, **Martha Mendoza**, a national writer with *The Associated Press*, requested from the Department of Homeland Security (DHS) the following records: 1) Any documents, memos, reports, or other records that would show how many people have been arrested and how many convicted each year for the past ten years under U.S. federal anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 – TERRORISM; 2) Any documents, memos, reports, or other records that would show how many people have been detained without arrest each year for the past ten years for ties to terrorism; 3) Any documents, memos, reports, or other records that would show the current status of people convicted and the sections and subsections of crime under which they have been convicted under anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 - TERRORISM. during the past 10 years; 4) Any documents, memos, reports, or other records that would show the nationality of those arrested and convicted under anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 – TERRORISM; 5) Any documents, memos, reports, or other records that would show the names, dates and circumstances for people arrested under U.S. federal anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 - TERRORISM each year for the past ten years; and 6) Any audits, surveys or studies of U.S. federal anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 - TERRORISM published in the last 10 years. (Case Number DHS/OS/PRIV 11-0375).
- On January 27, 2011, **Sam Oxman**, a journalist with **CBS News 13** in Fairbanks, Alaska, requested from the Department of Homeland Security (DHS) copies of a letter that details a plan for the federal government to

declare martial law over the Trans Alaska pipeline sent to Alyeska Service Company from DHS. (Case Number DHS/OS/PRIV 11-0381).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 12, 2011, United States Citizenship and Immigration Services (USCIS) released to **Byron Harris**, a journalist with **WFAA-TV** in Dallas, Texas, one page of statistical data on 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 February 1, 2011, Office of Inspector General (OIG) released to **David Shapiro**, a staff attorney with the **American Civil Liberties Union's National Prison Project** in Washington, D.C., 99 pages of OIG investigative records pertaining to U.S. Immigration and Customs Enforcement (ICE) detainee deaths in detention from December 3, 2009 to the present. Portions of this response were withheld pursuant to FOIA exemptions (b)(2)(high), (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C). (Case Number OIG FOIA #2011-028).

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 4 - 10, 2011

Privacy Office

February 14, 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 January 31, 2011, United States Citizenship and Immigration Services (USCIS) posted the policy memorandum *Notice to Applicants and Petitioners Concerning Ability to File Motions to Reopen or Reconsider; Revisions to the Adjudicator's Field Manual (AFM) Chapter 10.7; AFM Update AD11-09* on its public website for stakeholder review and comment. This memorandum documents USCIS policy for including information about the opportunity to file a motion to reopen or reconsider when issuing a written denial of a petition or application. The comment period ends February 14, 2011.
- On February 8, 2011, United States Citizenship and Immigration Services (USCIS) posted the policy memorandum *Guidance for Coordinating the Adjudication of Applications and Petitions Involving Individuals in Removal Proceedings; Revisions to the Adjudicator's Field Manual (AFM) New Chapter 10.3(i): AFM Update AD 11-16* on its public website for stakeholder review and comment. This policy memorandum provides guidance for coordination with U.S. Immigration and Customs Enforcement (ICE) on the adjudication of applications and petitions involving individuals in removal proceedings before the Executive Office of Immigration Review (EOIR). This memorandum concerns only applications and petitions over which USCIS has jurisdiction. The comment period ends on February 22, 2011.

II. FOIA Requests

- On February 4, 2011, **Suzanne Gamboa**, a reporter with **The Associated Press** in Washington, D.C., requested from the Department of Homeland Security (DHS) records from January 2007 through the end of February 2009, regarding proposals for administrative alternatives to comprehensive immigration reform. (Case Number DHS/OS/PRIV 11-0405).
- On February 8, 2011, **Josh Margolin**, a reporter with **The New York Post** in New York, New York, requested from the Office of Inspector General (OIG) all records used to reach conclusions in report #OIG-11-30 entitled, *The State of New York's Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Year 2006 through 2008*. (Case Number OIG FOIA #2011-065).
- On February 8, 2011, **Erin Maskell**, a representative of the **National Security Archive** in Washington, D.C., requested from the Department of Homeland Security (DHS) all documents, including but not limited to reports, white papers, briefing papers and memoranda written for and/or

read by DHS Secretary Michael Chertoff relating to Luis Posada Carriles between March 2005 and the end of May 2005. (Case Number DHS/OS/PRIV 11-0412).

- On February 8, 2011, **Andrew Medici**, a journalist with the **Federal Times** in Springfield, Virginia, requested from the Department of Homeland Security (DHS) copies of all relevant contact information for all public affairs officers within the Department of Homeland Security. (Case Number DHS/OS/PRIV 11-0411).
- On February 9, 2011, **Corinne Reilly**, a journalist with *The Virginian-Pilot* in Norfolk, Virginia, requested from the United States Coast Guard (USCG) records pertaining to the USCG's investigation into the death of Petty Officer Third Class Shaun Lin, who was on duty in waters off Virginia when he died in October 2010. (Case Number 2011FOIA1476).

Late Request

- On January 19, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from United States Citizenship and Immigration Services (USCIS) records regarding fraud or waste in the EB-5 visa program from FY 2003 to date. (Case Number COW2011000111).
- On January 22, 2011, _____ a self-proclaimed journalist from _____ requested from United States Citizenship and Immigration Services (USCIS) a copy of the USCIS Employee Misconduct Reporting Form and a copy of the Management Inquiry Handbook. (Case Number COW2011000109).
- On January 26, 2011, **Benny Agosto, Jr.**, a representative of the **Law Offices of Abraham, Watkins, Nicholas, Sorrels, Agosto, and Friend** in Houston, Texas, requested from the United States Coast Guard (USCG) documents concerning injuries sustained by an individual while onboard the vessel LEROY JONES on July 13, 2010, during the clean-up of the Deepwater Horizon oil spill. (Case Number 2011FOIA1402).
- On February 2, 2011, **David Fallis**, a staff writer with *The Washington Post* in Washington, D.C., requested from the United States Coast Guard (USCG) copies of the database and/or tables known as Merchant Vessels of the United States. Specifically, the data sought is contained within the computer databases known as MISLE and VDS and is a registry of all merchant and recreational vessels ever documented by the USCG. (Case Number 2011FOIA1421).
- On February 2, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **J.M. Berger**, a journalist with **Intelwire.com** in Cambridge, Massachusetts, seeking all documents relating to non-military American citizens killed in Somalia from 2001 to the present. (Case Number DHS/OS/PRIV 11-0393).
- On February 3, 2011, **Darrell K. Cherry**, a representative of the **Law Office of Deutsch, Kerrigan, and Stiles** in New Orleans, Louisiana,

requested from the United States Coast Guard (USCG) communications between the USCG and BP concerning dispersants from April 20, 2010 to the present. (Case Number 2011FOIA1449).

- On February 3, 2011, **Scott P. McClintock**, State's Attorney, Henderson County in Oquawka, Illinois, requested from the Federal Emergency Management Agency (FEMA) copies of all documentation pertaining to the Henderson County application of grant assistance related to FEMA declaration No. FEMA-IL-DR1771. (Case Number 11-286).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 14, 2011, Department of Homeland Security (DHS) issued to **Michael Page**, a staff attorney with the **Public Citizen Litigation Group** in Washington, D.C., a no records determination in response to his request seeking all records dated on or after January 6, 2006, that discuss, refer to, or relate to private entities' business relationships with Wiki Leaks, including but not limited to PayPal, MasterCard, Visa, and Amazon.com.
- On February 7, 2011, Department of Homeland Security (DHS) released to **Frank Bass**, a reporter with **Bloomberg News** in Washington, D.C., 46 pages of records pertaining to correspondence sent 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); 2) Eric Cantor (R-VA); 3) Jeb Hensarling (R-TX); 4) Paul Ryan (R-WI); 5) Peter King (R-NY); 6) Michele Bachman (R-MN); 7) Dave Camp (R-MI); and 8) Darrell Issa (R-CA). Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On February 7, 2011, Department of Homeland Security (DHS) released to **Robert O'Harrow**, a reporter with *The Washington Post* in Washington, D.C., 22 pages of records pertaining to the names of all Domestic Nuclear Detection Office (DNDO) employees, to include their dates of employment, their salaries, and the annual bonuses they received, by year, for each year, from the creation of the office to the present and the performance bonuses or fees paid to all DNDO contractors for the same time period. These records were released in full.
- On February 8, 2011, U.S. Customs and Border Protection (CBP) issued a full denial to **Jacques Billeaud**, a reporter with **The Associated Press** in Phoenix, Arizona, regarding his request seeking reports, videos, autopsy reports, radio communications, and other reports written by Border Patrol in regards to the details of the death of Border Patrol Agent Brian Terry.
- On February 9, 2011, United States Citizenship and Immigration Services (USCIS) released to **Joan Friedland**, from **National Immigration Law Center** in Washington, D.C., 715 pages responsive to his request seeking records related to a free 1.5 Webinar on the use of the SAVE Program for Georgia Cities and Counties that are required to use SAVE by the Georgia

Security and Immigration Compliance Act. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).

- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Bobbi Jo Alexis**, an attorney with the Prince William County Government in Prince William, Virginia, a Microsoft Excel spreadsheet containing information on individuals encountered, arrested, and/or removed from Prince William County. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On February 11, 2011, United States Citizenship and Immigration Services (USCIS) released to **Henry Schuck**, an attorney in Vancouver, Washington, 8 pages in response to his request seeking 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. Portions of this response were withheld pursuant to FOIA Exemption (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 February 11 - 17, 2011
Privacy Office
February 22, 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 February 9, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room a list of all detainee deaths from October 2003 through February 1, 2011.
 - On February 11, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that it is issuing employment and travel authorization on a single card for certain applicants filing an Application to Register Permanent Residence or Adjust Status, Form I-485. This new card represents a significant improvement from the current practice of issuing paper Advance Parole documents. USCIS will continue to issue separate Employment Authorization Document (EAD) and Advance parole documents as warranted. Employers may accept the new card as a List A document when completing the Employment Eligibility Verification, Form I-9.
 - On February 11, 2011, United States Citizenship and Immigration Services (USCIS) posted a draft memorandum entitled *Issuance of Advance Parole Employment Authorization Document; Revisions to Adjudicator's Field Manual (AFM) Chapters 54.2 (b), 54.3 (d) (3), 54.3 (e) - (h), and 55.3 and addition of Appendices 55-4, 55-5, 55-6, and 55-7 (AFM Update AD07-27)* on its public website for stakeholder review and comment. The purpose of the memorandum is to permit issuance of an Employment Authorization Document (EAD), Form I-766, with an advance parole endorsement. The period for comments ends on February 28, 2011.
- II. FOIA Requests**
- On February 11, 2011, **John A. Konrad V.**, founder and CEO of **Unofficial Networks, LLC**, requested from the United States Coast Guard (USCG) all available photographs of the Deepwater Horizon spill incident taken on and after April 23, 2010. (Case Number 2011FOIA1522).
 - On February 14, 2011, **Cynthia Sarthou**, with the **Gulf Restoration Network** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) the following records: 1) Any guideline, rule, regulation or protocol promulgated, created or used by any employee of the Coast Guard or by any contractor working for the USCG or British Petroleum ("B.P.") in deciding whether beaches should be augured to determine the presence of oil beneath the surface sand; 2) Copies of memoranda, letters, emails, or other communications made between

April 20, 2010, and the date of this request between the USCG and its contractors, B.P. or any of B.P.'s contractors regarding any guideline, rule, regulation, or protocol guiding decisions on which beaches in the states of Texas, Louisiana, Mississippi, Alabama and Florida, as well as beaches on barrier islands known as the Gulf Islands National Seashore belonging to the U.S. Park Service, should be augured to determine the presence of oil beneath the surface sand; and 3) Copies of memoranda, letters, emails, or other communications made between April 20, 2010, and the date of this request between the USCG and its contractors, B.P. or any of B.P.'s contractors regarding decisions made regarding the auguring of beaches in the states of Texas, Louisiana, Mississippi, Alabama and Florida, as well as beaches on barrier islands known as the Gulf Islands National Seashore belonging to the U.S. Park Service, to determine the presence of oil beneath the surface sand. (Case Number 2011FOIA1532).

- On February 16, 2011, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration referred to the Department of Homeland Security (DHS) documents responsive to a request from , **Anne Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, D.C., seeking the following records: 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, as referenced in Brian Ross "BP Releases Oil Spill Video After Pressure >From White House and Media, ABC News May 12,2010, available at <http://abcnews.go.com/IBlotter/bp-releasees-oil-spillvideo-pressure-white-house/story?id=10629165>; and 2) All documents that mention, refer, or relate to NOAA 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 NOAA communications as well as all communications to, by, or from NOAA to the EPA, the Dept of 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. (Case Number DHS/OS/PRIV 11-0462).
- On February 10, 2011, **Anne Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, D.C., requested from the Department of Homeland Security (DHS) records of communications among and between Congressman Darrell Issa (R-CA) and/or anyone acting on behalf of Rep. Issa or the House of Representatives Committee on Oversight and Government Reform, Rep. Issa's personal staff, any staff of, and any investigators internal or external to the Oversight Committee including but not limited to (b) (6)

and: any Employee of the DHS Privacy Office

including but not limited to: 1) William Holzerland; 2) Catherine M. Papoi; and 3) Vania T. Lockett. (Case Number DHS/OS/PRIV 11-0423).

- On February 10, 2011, **Russell Carollo**, a journalist, in Pueblo, Colorado, requested from the Department of Homeland Security (DHS) copies of all correspondence since January 1, 2000, to or from U.S. Darrell Issa (R-CA). (Case Number DHS/OS/PRIV 11-0429).
- On February 15, 2011, **Gregory Korte**, a staff writer with *USA Today* in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between DHS and the House Committee on Oversight and Government Reform, its chairman, Rep. Darrell Issa (R-CA), or subcommittees, from January 1, 2010 to the present. (Case Number DHS/OS/PRIV 11-0451).
- On February 17, 2011, **William Bransford**, an attorney with Shaw, Bransford & Roth, requested from the Department of Homeland Security (DHS) the following records on behalf of his client: 1) His client's personnel file, including but not limited to each of their annual performance appraisals; 2) All records pertaining to the decision to grade and compete the Deputy Chief Freedom of Information Act Officer position at the Senior Executive Service Level in 2010; 3) All records pertaining to the competition of, and selection of, the Deputy Chief Freedom of Information Act Officer, Senior Executive Service, position announced in Job Announcement No. CHCO-1 0-023DHS-DHS353532; and 4) Other related records. (Case Number 11-0465).
- On January 31, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding an ICE detainee who died January 13, 2011, apparently suffering from leukemia. (Case Number 2011FOIA5077).
- On January 31, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) reports generated by ICE's Management Inspection Unit, Detention Facilities Inspection Group from February 26, 2010 to the present. (Case Number 2011FOIA5082)
- On February 9, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) any records regarding the Automated Threat Prioritization (ATP) from FY 2008 to date. (Case Number 2011FOIA5642).
- On February 14, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle in Houston*, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records related to Secure Communities Program Management Office criminal alien population projection. (Case Number 2011FOIA5829)
- On February 14, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) communication to or from David C.

Palmatier regarding staffing, resources, and/or technical (including IT) issues for ICE's Law Enforcement Support Center (LESC) from October 1, 2008. (Case Number 2011FOIA5842).

- On February 15, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from (b) (6) a self-proclaimed publisher, author and blogger in Harrison, Arkansas, seeking a copy of any and all communications received from the Department of Defense (DOD), U. S. Health and Human Services (HHS), DHS, or any state or federal agency regarding (b) (6) and or Tyson Foods. (Case Number DHS/OS/PRIV 11-0457).
- On February 15, 2011, **Sean Caincross**, Chief Counsel with the **National Republican Senatorial Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) correspondence between U.S. Senator Robert Menendez (D-NJ) and any DHS official regarding the Center of Excellence in Port Security at Stevens Institute of Technology for the period of January 1, 2002 to the present. (Case Number DHS/OS/PRIV 11-0444).
- On February 15, 2011, **Jennifer Kay**, a reporter with The Associated Press in Miami, Florida, requested from the Department of Homeland Security (DHS) the following records: 1) Copies of any and all correspondence, including e-mails, faxes and letters, among members of the Office of Secretary of Homeland Security, including Secretary Janet Napolitano and her deputy secretary, chief of staff, executive secretary and military adviser, regarding the resumption of deportations to Haiti on Jan. 20, 2011; and 2) Copies of any and all correspondence between the Office of the Secretary of Homeland Security and the Office of Immigration and Customs Enforcement Director John Morton regarding the resumption of deportations to Haiti. (Case Number DHS/OS/PRIV 11-0457).
- On February 15, 2011, **Stuart Megaw**, a representative of **Blue Star Energy Solutions** in Chicago, Illinois, requested from the Federal Emergency Management Agency (FEMA) information pertaining to the purchase of electricity and natural gas from competitive suppliers for DOJ (*sic*) facilities in Illinois, Texas, California, New York, Michigan, Ohio, Massachusetts, Maryland, Connecticut, Washington, D.C., New Jersey, Delaware, Oregon, Maine, New Hampshire and Pennsylvania. (Case Number 11-296).

Late Request

- On December 15, 2010, a self-proclaimed journalist in requested from U.S. Customs and Border Protection (CBP) records about the seizure of passport documents by CBP. (Case Number CBP FOIA 2011F02703).
- On January 31, 2011, **Shannon Dininny**, a correspondent with **The Associated Press** in Yakima, Washington, requested from U.S. Immigration

and Customs Enforcement (ICE) the number of officers and other staff members involved with the January 20, 2011, arrest in Ellensburg, Washington, related to an investigation into counterfeit citizenship documents. (Case Number 2011FOIA5068).

- On February 16, 2011, **Sarnata Reynolds**, a representative of **Amnesty International USA** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) copies of records of “voluntary return” forms signed with a thumbprint, specifically completed form I-826 Notice of Rights and Request for Disposition, for the following sectors from 2007-2011: 1) Yuma; 2) Tucson; 3) Del Rio; 4) Laredo; and 5) Rio Grande Valley. (Case Number 2011F05515).
- On January 31, 2011, **Sarnata Reynolds**, a representative of **Amnesty International USA** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following records: 1) Any record reflecting the policy or statement of ICE, DHS, or local agency regarding the procedure for identifying a victim of trafficking, other crimes covered under a U Visa, or instances of domestic abuse; and 2) Any record suggesting, or otherwise discussing the parameters and/or definition of “compliance with requests to assist in the investigation/prosecution of the crime of trafficking” and/or “cooperation” for the purposes of Form I-914, Supplement B (Declaration of Law Enforcement Officer for Victim of Trafficking in Persons). (Case Number 2011FOIA5576).
- On January 31, 2011, **Sarnata Reynolds**, a representative of **Amnesty International USA** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records of agreement between ICE and any corporation regarding the entity’s security officers, regular employees, any other employee, and/or contractors for attempting to determine the immigration status of anyone in or around the premises of the entity, calling ICE to report on an individual or group of individuals, and/or making arrests due to a suspicion that a person is not permitted to be in the US. (Case Number 2011FOIA5577).
- On February 7, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to request made to the Department of Foreign Affairs Canada seeking the complete text of the Civil Assistance Plan signed by Canada and the United States on February 14, 2008. (Case Number DHS/OS/PRIV 11-0441).
- On February 8, 2011, **John Reinstein**, legal director with the **American Civil Liberties Union (ACLU) of Massachusetts** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) copies of records pertaining to (b) (6) specifically: (1) Any and all records pertaining to, mentioning or describing (b) (6) (2) Any and all communications relating to, mentioning or describing (b) (6) (3) Any and all records pertaining to or describing (b) (6) known or alleged associations,

including associations with political organizations; (4) Any and all suspicious activity reports that include (b) (6) name; (5) Any and all reports of investigations mentioning (b) (6) and (6) a copy of form CBP-6051-D and any other documentation showing the chain of custody for (b) (6) items and any documentation made pursuant to CBP or ICE (or other government agency) regulations documenting that copies determined to be of no legal value have been destroyed. (Case Number DHS/OS/PRIV 11-0442, 2011FOIA5579 and 2011F05681).

- On February 8, 2011, **Alison Parker**, director of **Human Rights Watch's US Program** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following information pertaining to anyone detained or in custody for the period starting October 1, 1998 to the present: 1) ID Seq #; 2) Nationality Code; 3) Gender Code; 4) DCO; 5) Detention Location Code; 6) Initial Book in Date; 7) Book in Date; 8) Release Date; 9) Release Type; 10) Date Entered (into database); 11) Apprehension Date; 12) Apprehension Location (city, state); 13) Initial book in facility; 14) Detention Location Code for receiving facility; and 15) 1st, 2nd, 3rd, etc facility held in. (Case Number 2011FOIA5621).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Bobbi Jo Alexis**, a representative of **Prince William County** in Prince William, Virginia, one Microsoft Excel spreadsheet containing information on individuals encountered, arrested, and/or removed from Prince William County. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA2245).
- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Chris Collins**, a reporter with **The Fresno Bee** in Fresno, California, a spreadsheet responsive to his request for information related to the final orders stemming from I-9 inspections and investigations of companies in northern California. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(7)(A).
- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Tony Corbo**, a lobbyist with the non-profit consumer advocacy organization **Food & Water Watch** in Washington, D.C., six pages of records referred by the United States Department of Agriculture (USDA) pertaining to the applications made by the People's Republic of China for equivalence determinations for all products covered under the Federal Meat Inspection, the Poultry Products Inspection and Egg Product Inspection Acts, and the decisions rendered by the Food Safety and Inspection Service (FSIS) since January 1, 2000. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Frank Knaack**, an attorney with the **American Civil Liberties Union (ACLU) of Texas** in Austin, Texas, 104 pages of records concerning funding of and contracts pertaining to ICE programs in Texas; specifically related to the 287(g) program, the Criminal Alien Program, and the Secure Communities program. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(4), (b)(6) and (b)(7)(C),
- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Lauren Smiley**, a reporter with the **San Francisco Weekly** in San Francisco, California, a spreadsheet containing information on I-9 inspections and investigations on companies in northern California. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(7)(A). (Case Number 2010FOIA4867).
- On February 15, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Rene Kathawala**, an attorney with **Orrick, Herrington & Sutcliffe LLP**, in New York, New York, 81 pages of records responsive to her request seeking copies of all drafts and supporting documentation pertaining to the October 6, 2009 report entitled *Immigration Detention Overview and Recommendations*, authored by Dr. Dora Schriro. Portions of this response were withheld pursuant to FOIA Exemption (b)(5).
- On February 15, 2011, United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal**, a Fellow at **Schuster Institute for Investigative Journalism at Brandeis University** in Waltham, Massachusetts, records relating to DNS fraud in the adoptions of Guatemalan children by United States Citizens. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number NRC2010005938).

V. Lawsuits

- In the matter of *Robert A. Bloomer, Jr. v. U.S. Department of Homeland Security*, (USDC Vt. 2:11-CV-35), Plaintiff filed a complaint February 4, 2011, claiming constructive denial pertaining to their request to United States Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) for records pertaining to an individual, his imprisonment, and subsequent deportation.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), (Secure Communities Case): A supplemental declaration on the exemptions claimed in the opt-out records was submitted Friday, January 28, 2011. An Order requiring U.S. Immigration and Customs Enforcement (ICE) to produce all responsive documents as single files, individually Bates numbered, and with the accompanying metadata was filed on February 3, 2011. ICE intends to appeal this decision.

- In the matter of CASA de Maryland v. DHS, (USDC Maryland 08-3249): On January 31, 2010, the Fourth Circuit upheld the District Court's ruling and ordered ICE to disclose the information previously withheld under FOIA Exemptions (b)(6) and (b)(7)(C).
- In the matter of National Immigration Law Center v. DHS, (USDC CD California 08-07092), Plaintiffs and ICE settled the case for \$86,243.00, and an Order dismissing all remaining claims was filed on February 1, 2011.
- In the matter of Judicial Watch v. DHS, (D.D.C. 10-2054-EGS), ICE responded to the FOIA request on February 11, 2011. All pages of the draft report were withheld in full pursuant to FOIA Exemption (b)(5). ICE filed its answer with the Court on Monday, February 14, 2011.
- In the matter of WECOUNT!, INC. v. DHS, (D.D.C. 11-00143), Plaintiff filed a FOIA request (2010FOIA1262) seeking records relating to enforcement actions in the Miami area between November 18 and 20, 2009. The records were withheld in their entirety pursuant to FOIA Exemption (b)(7)(A) on March 8, 2010. Plaintiffs appealed on the grounds that (b)(7)(A) was overbroad. The appeal was denied on July 29, 2010, and plaintiffs filed suit on January 21, 2011 seeking to compel the release of the records.
- In the matter of Olivas Castillo v. DHS, et al., (D.N.M. 11-00069), the Plaintiff filed a FOIA request with USCIS in November 2007 seeking records related to an investigation into his previous marriage. USCIS referred 15 pages of records to ICE (7 pages of which were duplicates). ICE received the request on June 19, 2009 (2009FOIA4061). Portions of the remaining 8 pages were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and k2. Plaintiff filed suit on January 20, 2011 challenging ICE's claimed exemptions.
- In the matter of Bloomer v. DHS, (D. Vt. 11-CV-35), Plaintiff submitted FOIA requests to USCIS and ICE in December 2006 seeking records relating to a deceased individual. ICE referred the request to USCIS. Plaintiff filed suit on February 4, 2011 to compel the release of responsive records.

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 18 - 24, 2011
Privacy Office
February 28, 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 February 18, 2011, United States Citizenship and Immigration Services (USCIS) posted the transcript of a recently held press conference on its public website. The press conference served to introduce USCIS' strategic goals and initiatives for 2011 and to provide a forum for questions to be asked.
- II. FOIA Requests**
- On February 18, 2011, **Scott H. Amey**, General Counsel for the **Project On Government Oversight (POGO)** in Washington, D.C., requested from the Department of Homeland Security (DHS) and the Office of Inspector General (OIG) the following records involve or relating to: 1) the Secretary's exercise of discretion pursuant to the Homeland Security Act of 2002 Section 811(a) which states that the Inspector General (IG) is under the authority, direction, and control of the Secretary with respect to certain investigations and audits; 2) the Secretary's exercise of discretion pursuant to the Homeland Security Act of 2002 Section 811(b) which states that "the Secretary may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena"; 3) the DHS (IG) pursuant to Section 811(c) requiring "the Secretary [to] notify the Inspector General of the Department in writing stating the reasons for such exercise"; 4) notification by the Secretary to Congress pursuant to Section 811(c)(2); and 5) any response from the DHS IG, as authorized by Section 811(c)(1), as to whether the IG agreed or disagreed with the Secretary's exercise of authority to prohibit the IG's work. (Case Number DHS/OS/PRIV 11-0472 and 2011-074).
 - On February 22, 2011, **Rob Koebel**, a reporter with **Fox 4** in Cape Coral, Florida, requested from the Department of Homeland Security (DHS) all emails, text messages, and voicemails between Secretary Janet Napolitano and Dennis Burke from July 2010 to December 2010 that reference Joe Arpaio. (Case Number DHS/OS/PRIV 11-0480).
 - On February 22, 2011, **Josh Margolin**, a reporter with **The New York Post** in New York, New York, requested from the Department of Homeland Security (DHS) records concerning the review of events and responses to the May 1, 2010 attempt to detonate an explosive device in Times Square, New York City, by Faisal Shahzad. (Case Number DHS/OS/PRIV 11-0474).
 - On February 23, 2011, **Sean Cairncross**, Chief Counsel for the **National Republican Senatorial Committee** in Washington, D.C.,

requested from the Department of Homeland Security (DHS) the following records: 1) correspondence between the office of Secretary Napolitano and David Plouffe for the period January 21, 2009 to the present; 2) correspondence between the office of Secretary Napolitano and the Democratic National Committee for the period January 21, 2009 to the present; 3) correspondence between the office of Secretary Napolitano and Obama For America for the period January 21, 2009 to the present; 4) correspondence between the office of Secretary Napolitano and Organizing For America for the period January 21, 2009 to the present; 5) correspondence between the office of Secretary Napolitano and the Democratic Senatorial Campaign Committee or Democratic Congressional Campaign Committee for the period January 21, 2009 to the present; 6) correspondence between the office of Secretary Napolitano and the Arizona Democratic Party for the period January 21, 2009 to the present; 7) schedules or records reflecting Secretary Napolitano's activities for the period January 21, 2009 to the present, including any schedules arranged, noted, or otherwise recorded or created by Secretary Napolitano, or by any other person, computer program, or entity; 8) purchase orders (office supplies, furniture, etc.) for Secretary Napolitano's private office; and 9) documents or records of charges and payments to any government credit cards issued to Secretary Napolitano or provided for her use. (Case Number DHS/OS/PRIV 11-0482).

- On February 23, 2011, **Alison Young**, a reporter with the *USA Today* in McLean, Virginia, requested from the Department of Homeland Security (DHS) the following records: 1) any emails, memos, reports or other records (paper or electronic) involving TSA media relations staff (including but not limited to (b) (6) TSA staff in the office of the administrator (including but not limited to Administrator (b) (6) TSA legislative affairs staff, TSA health and safety staff (including but not limited to (b) (6) DHS media relations staff, DHS staff in the office of the secretary (including but not limited to Secretary Napolitano), DHS staff in the office of health affairs or DHS legislative affairs staff relating to why USA TODAY has not yet been granted access to the airport x-ray inspection records; 2) any risk assessment memos or public relations strategy documents (paper or electronic), including emails, memos, strengths-weaknesses-opportunities-threats (SWOT) memos or other records relating to USA TODAY's request to review radiation safety/x-ray inspection reports for airport full-body scanners and baggage screening devices; 3) any reports, memos, emails or other documents (paper or electronic) that summarize the contents of the documents that USA TODAY has been seeking to review; and 4) any reports, memos, emails or other documents (paper or electronic) that involve the method DHS/TSA may use to release the records. (Case Number DHS/OS/PRIV 11-0481).

Late Request

- On February 4, 2011, **John Althen**, a representative with **Judicial Watch**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) copies of all correspondence including but not limited to email between USCIS Director Alejandro Mayorkas and David Shahouljian from December 3, 2010 and February 3, 2011, referring to agency regulations or policy issues of any kind. (Case Number COW20110000168).
- On February 11, 2011, **Alan Pearson**, an individual in New Orleans, Louisiana, requested from the Federal Emergency Management Agency (FEMA) all correspondence between (b) (6) of the U.S. Department of Justice (DOJ), U.S. Attorney Office, 500 Poydras Street, New Orleans, Louisiana, 70130. (Case Number 11-318).
- On February 15, 2011, **Dr. Tom Payne**, an attorney at **Tom Payne and Associates PLLC**, Biloxi, Mississippi, requested from the Federal Emergency Management Agency (FEMA) records on the following companies: 1) Recreational Management Group; 2) Outdoor Management Financial Group; Bayou RV Estates; and 3) 5 Star Resorts and Five Star Associates, Inc. (Case Number 11-308).
- On February 15, 2011, **Senator Jim Webb** (D-VA), requested from the Department of Homeland Security (DHS) information regarding five FOIA's submitted to Department of Homeland (DHS)/ Homeland Security Investigations (HSI) pertaining to an EEO complaint. (Case Number DHS/OS/PRIV 11-0464).
- On February 16, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **William Olson**, an attorney with **William J. Olson, P.C.**, in McLean, Virginia, records responsive to his request concerning or relating to the agreement between the United States and Mexico which would provide, in some manner, for the payment of U.S. Social Security benefits to Mexican nationals. (Case Number DHS/OS/PRIV 11-0470 and 11-0471).
- On February 17, 2011, **John Althen**, a representative of **Judicial Watch** in Washington, D.C., requested from the Department of Homeland Security (DHS) the following: 1) any and all records of communications, contracts, or correspondence with the White House and/or the Executive Office of the President concerning a report/memorandum prepared at the direction of the United States Secretary for Homeland Security Janet Napolitano related to Carlos Marinelly-Mantano, 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; and 2) any and all records of communications, contracts, or correspondence within the DHS concerning a report/memorandum prepared at the direction of the United States Secretary for Homeland Security Janet Napolitano related to Carlos Marinelly-Mantano.

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On February 14, 2011, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A), issued to **Nate Carlisle**, a journalist with the ***Salt Lake Tribune*** in Salt Lake City, Utah, a no records determination in response to his request seeking the following: 1) records of all payments or expenditures related to security at Flaming Gorge Reservoir or Flaming Gorge Dam since September 11, 2001; 2) Agendas, schedules or other plans issued in preparation for anti-terrorism or security exercises held at Flaming Gorge Reservoir or Flaming Gorge Dam in 2003 and 2009 and the after-action reports or assessments made after both exercises; 3) records of all real or perceived security threats made or executed against Flaming Gorge Dam or Flaming Gorge Reservoir since September 11, 2001; and 3) records describing the likely or potential outcome of any man-made attacks or terrorism attacks against Flaming Gorge Dam or Flaming Gorge Reservoir. (Case Number 11-OIA-0029).
- On February 17, 2011, United States Citizenship and Immigration Services (USCIS) released to **Joan Friedland**, National Immigration Policy Director with the **National Immigration Law Center** in Washington, D.C., 715 pages responsive to her request seeking records pertaining to the 1.5 hour Webinar on the use of the SAVE Program for Georgia Cities and Counties that are required to use SAVE by the Georgia Security and Immigration and Compliance Act. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number NRC2009059273).
- On February 21, 2011, the Science and Technology (S&T) Directorate released to **Ginger McCall**, Assistant Director of **Electronic Privacy Information Center's (EPIC)** Open Government Project in Washington, D.C., 173 pages responsive to her request seeking 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. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(4), and (b)(6).
- On February 22, 2011, U.S. Customs and Border Protection (CBP) issued to _____ a self-proclaimed journalist in _____ a no records response to his request seeking information about the seizure of passport documents by CBP. (Case Number CBP FOIA #2011F02703).
- On February 24, 2011, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A), issued to **Jason Smathers**, a blogger for ***Witness Unto Me*** in Topock, Arizona, a no records determination in response to his request seeking copies of all regular

reports between January 1, 2010 and the date this request is processed which concern the DHS priority “threat of radicalization and extremism.

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 25 - March 3, 2011
Privacy Office
March 7, 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 March 1, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room a list of all detainee deaths from October 2003 through February 23, 2011.

II. FOIA Requests

- On March 3, 2011, **Anne L. Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** and **Damon Moglen**, Global Warming Campaign Director of **Greenpeace** in Washington, D.C., requested from the United States Coast Guard (USCG) the following records: 1) copies of 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, as referenced in Brian Ross, "BP Releases Oil Spill Video After Pressure From White House and Media" ABC News, May 12, 2010, available at <http://abcnews.go.com/Blotter/bp-releases-oil-spill-video-pressure-white-house/story?id=10629165>; and 2) all documents that mention, refer, or relate to National Oceanic and Atmospheric Administration (NOAA) 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 NOAA communications as well as all communications to, by, or from NOAA to the Environmental Protection Agency (EPA), the Department of the Interior (DOI), BP, Halliburton, or Transocean regarding the use of dispersants in the course of any efforts to mitigate or clean up the BP oil spill. (Case Number 2011FOIA1698).
- On February 25, 2011, the Federal Emergency Management Agency (FEMA) referred to the Department of Homeland Security (DHS) and the United States Coast Guard (USCG) a request from **Bryant Adams**, an individual in Washington, D.C., seeking a log of correspondence between DHS and then Senator Barack Obama (D-IL). (Case Number DHS/OS/PRIV 11-0507 and 2011FOIA1638).
- On February 28, 2011, **M.L. Elrick**, a reporter with the ***Detroit Free Press*** in Detroit, Michigan, requested from U.S. Immigration and Customs Enforcement (ICE) all material related to ICE's investigation of (b)(6) who was convicted of dealing ecstasy in the city of Detroit. (Case Number 2011FOIA6028).
- On February 28, 2011, **Leon Howard**, staff attorney with the **American Civil Liberties Union (ACLU) of New Mexico** in Albuquerque, New

Mexico, requested from U.S. Customs and Border Protection (CBP) the following records: 1) all records related to El Paso Sector Border Patrol access to private lands within 25 miles of the U.S.-Mexico border, including but not limited to, policy, procedures, directives, training materials, counsel legal updates, memoranda, information in the Border Patrol Handbook, etc.; 2) all records related to El Paso Sector Border Patrol stop, search and seizure authority within 25 miles of the U.S.-Mexico border, including but not limited to policy, procedures, directives, training materials, counsel legal updates, memoranda, information in the Border Patrol Handbook, etc.; 3) all records related to El Paso Sector Border Patrol stop, search and seizure authority within 100 miles of the U.S.-Mexico border, including but not limited to, policy, procedures, directives, training materials, counsel legal updates, memoranda, information in the Border Patrol Handbook, etc.; 4) a copy of all critical incident reports created by officers assigned to the Deming and Lordsburg substations of the El Paso Sector Border Patrol from February 1, 2010 through February 1, 2011; 5) all records pertaining to inquiries, investigations and actions taken in response to the incident; 6) a copy of all records and reports from February 1, 2010 through February 1, 2011, related to incidents in which officers assigned to the Deming and Lordsburg Substations of the El Paso Border Patrol Sector drew or fired a weapon, utilized an electronic control device, or otherwise engaged in use of force or use of deadly force; 7) records pertaining to inquiries, investigations, and actions taken in response to the incident; 8) a copy of all citizen complaints filed against stationed at the Deming and Lordsburg substations of the El Paso Sector Border Patrol from February 1, 2010 through February 1, 2011; and 9) a copy of each citizen complaint to include all records pertaining to inquiries, investigations, and actions taken in response to the complaint. (Case Number CBP FOIA 2011F06775).

- On February 28, 2011, **Jason Smathers**, a blogger with ***MuckRock.com*** in Somerville, Massachusetts, requested from U.S. Customs and Border Protection (CBP) the contents of the “My Documents Folder” (or any other location used as the primary location to store electronic documents) of the Director of CBP FOIA Division’s workstation and laptop computer assigned to her. (Case number CBP FOIA 2011F06896).
- On March 1, 2011, **Jason Smathers**, a blogger with ***MuckRock.com*** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) the contents of the “My Documents Folder” (or any other location used as the primary location to store electronic documents) of the I&A FOIA Officer assigned workstation and laptop computer; note, the individual is no longer an employee at DHS. (Case number DHS/OS/PRIV 11-0509).
- On March 1, 2011, **Michael Wereschagin**, a reporter with ***Pittsburgh Tribune-Review*** in Pittsburgh, Pennsylvania, requested from the Department of Homeland Security (DHS), U.S. Customs and Border

Protection (CBP), Federal Emergency Management Agency (FEMA), Federal Law Enforcement Training Center (FLETC), U.S. Immigration and Customs Enforcement (ICE), Transportation Security Administration (TSA), United States Coast Guard (USCG), and US-VISIT copies of an accounting of legal expenses charged to the agency for services involving Congressional testimony, hearings, investigations and inquiries from 2000 to date. (Case Number DHS/OS/PRIV 11-0426, 11-335, 2011FOIA6030, and 11-1742).

- On March 2, 2011, **Mike Baker**, a reporter with *The Associated Press* in Raleigh, North Carolina, requested from U.S. Customs and Border Protection (CBP) the following records: 1) complete databases of CBP arrests, detentions and apprehensions, from January 1, 2000 to present, including but not limited to locations, names, dates and dispositions; and 2) complete databases of CBP's temporary checkpoints from January 1, 2000 to present, including but not limited to locations, dates of activity, arrests and detentions. (CBP FOIA 2011F06912).
- On March 3, 2011, **Kate Brumback**, a reporter with *The Associated Press* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any communication on Secure Communities between ICE and the Gwinnett County Sheriff's Office in Georgia from the time the program was instituted there through the current date; 2) any internal ICE communications regarding the Secure Communities program in Gwinnett County; and 3) any communications or documents about failures, delays or problems of the Secure Communities program anywhere in the country from the time the program was first implemented to the present day. (Case Number 2011FOIA6153).
- On March 2, 2011, **Nafisha Ula**, a researcher with the **American Federation of Labor and Congress of Industrial Organizations** in Washington, D.C., requested from the Department of Homeland Security (DHS) documents regarding the administration of any contracts between DHS and T-Mobile USA, also known as T-Mobile. (Case Number DHS/OS/PRIV 11-0531).
- On March 3, 2011, **Karen Tumlin**, managing attorney with the **National Immigration Law Center** in Los Angeles, California, requested from U.S. Customs and Border Protection (CBP) the following records: 1) all records regarding border enforcement and persons encountered in the process of departing the United States; 2) aggregate statistical reports or data regarding information in cases of border enforcement involving a person encountered in the process of departing the U.S.; 3) records referring to how DHS and CBP decided to stop individuals who are in the process of voluntarily leaving the U.S., criteria used by CBP agents to decide who to stop at a crossing, and criteria used to decide which of those individuals to put through formal removal or charge with immigration violations; 4) records referring to arrest quotas, goals, and or targets to be fulfilled by CBP in its enforcement operations near or at the

U.S.-Mexico border from January 2010 until the present; 5) records describing the total number of persons stopped while voluntarily leaving the U.S. who were ordered removed under 8 U.S. § § 1225(b), 1228, 1229a(a), 1229a(d), 1229c, and 1231(a)(5) from January 2010 until the present; and 6) all records referring to circumstances where persons stopped and/or arrested while voluntarily trying to depart the U.S. were or would be subject to detention. (Case Number CBP FOIA 2011F06900).

- On March 3, 2011, **Chris Young**, a reporter with *Steel City Media* in Pittsburgh, Pennsylvania, requested from U.S. Immigration and Customs Enforcement (ICE) a list of all the local law enforcement agencies that have a Memorandum of Agreement with ICE for the 287(g) program, as of March 1, 2011. (Case Number 2011FOIA6161)

Late Requests

- On February 18, 2011, **Bob Cusack**, Managing Editor with *The Hill* in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) and Federal Law Enforcement Training Center (FLETC) FOIA Logs from November 1, 2010 to the date of his request. (Case Number 11-337, 11-047).
- On February 23, 2011, **Randy Herrschaft**, a reporter with *The Associated Press* in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests and accompanying correspondence, processed from January 1, 2007 to the present by the Office of the Secretary of Homeland Security in which Michele Bachmann (R-MN-6), Bachmann & Associates Inc., Bachmann Clinic Property LLC, Minnesota Summit Project Inc. or Bachmann Farm Family Limited Partnership are the subject of the FOIA requests, or part of the subject of the FOIA requests. (Case Number DHS/OS/PRIV 11-0486).
- On February 23, 2011, **Amy Woodward**, an intern at **Independence Institute** in Golden, Colorado, requested from the Department of Homeland Security (DHS) copies of the 2009 inventory list of lost, damaged, or destroyed equipment and property for CBP. (Case Number DHS/OS/PRIV 11-0491).
- On February 24, 2011, the U.S. Department of Commerce referred to the Department of Homeland Security (DHS) documents responsive to a request from **Russell Carollo**, a Pulitzer Prize winning Journalist in Pueblo, Colorado, seeking copies of all records related in any way to Federal Information Security Management Act (FISMA) compliance (including applications) by Google and/or Microsoft. (Case Number DHS/OS/PRIV 11-0505).
- On February 23, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Dorelien Audrey**, a doctoral student at **Princeton University** in Princeton, New Jersey, seeking records of countries that

have made official requests for Temporary Protection Status (TPS) as a result of a natural disaster. (Case Number DHS/OS/PRIV 11-0510).

- On February 24, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Christopher Farrell**, Director of Investigations with **Judicial Watch** in Washington, D.C., seeking the following records: 1) the recommendation or decision not to prohibit or otherwise take action to prevent the acquisition of Peninsular and Oriental Steam Navigation Company ("P&O") by Dubai Ports World ("DPW") of Dubai, United Arab Emirates; 2) contracts obtained by DPW through its acquisition of P&O to manage seaport or terminal facilities in the following major U.S. cities: New York, Newark, Philadelphia, Baltimore, Miami, and New Orleans.; 3) any conditions or requirements requested or imposed by the United States Government from P&O or DPW regarding DPW's acquisition of P&O; 4) any and all assurances requested, negotiated, or obtained by the United States Government from P&O or DPW regarding DPW's acquisition of P&O, including but not limited to the assurances letter finalized on January 6, 2006; 5) DPW's management of seaport or terminal facilities in Beaumont, Texas; 6) DPW's management or operation of seaport or terminal facilities in Corpus Christi, Texas; and 7) DPW's management or operation of any and all other seaport or terminal facilities in the United States, including but not limited to seaport or terminal facilities utilized by United States military or the United States Department of Defense. (Case Number DHS/OS/PRIV 11-0506).
- On February 24, 2011, **Lisa Lerer** a reporter with **Bloomberg Media** in New York, New York, requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) materials related to the contingency plan in the event of a government shutdown. (Case Number 11-73).

III. FOIA Appeals

- On February 17, 2011, **Natasha Minsker**, Death Penalty Policy Director for the **American Civil Liberties Union (ACLU) of Northern California** and **Tim Redmond**, Executive Editor of the **San Francisco Bay Guardian**, in San Francisco, California, appealed the response from U.S. Customs and Border Protection (CBP) denying their request for expedited processing and a fee waiver related to their FOIA request seeking documents pertaining to the acquisition of controlled substances by state officials for the purposes of carrying out executions of condemned prisoners by lethal injection.
- On February 18, 2011, _____ a self-proclaimed journalist in _____ appealed the no records response from U.S. Customs and Border Protection (CBP) to his request seeking information about the alleged seizure of passports by CBP that resulted in travel delays for seventeen "Mecca-bound Northern Virginian Muslims."

- On February 22, 2011, **Emily Willard**, a Research Associate with the **National Security Archives**, appealed the response from U.S. Customs and Border Protection (CBP) denying her request for a fee waiver related to her request for records relating to “the alleged involvement of U.S. gun dealers illicitly trading weapons to Mexican cartels.”

IV. FOIA Releases

- On February 25, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 81 pages pertaining to their request seeking copies of all records relate to Dr. Schriro’s October 6, 2009 report entitled “Immigration Detention Overview and Recommendations.” Portions of this response were withheld pursuant to FOIA Exemption (b)(5).
- On February 28, 2011, United States Citizenship and Immigration Services (USCIS) released to **Robert Deasy**, with the **American Immigrations Lawyers Association (AILA)**, in Washington, D.C., 851 pages pertaining to their request seeking copies of all guidance, instructions, training manuals, memoranda, standard operating procedures used for making FOIA redactions. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(3), (b)(4), (b)(6) and (b)(7)(E).
- On February 28, 2011, the United States Coast Guard (USCG) released to **Jeff Hampton** with *The Virginian-Pilot* in Elizabeth City, North Carolina, 35 pages pertaining to their request seeking records relating to the March 3, 2010 helicopter crash in Utah. These records were released in full.
- On March 1, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Alison Parker**, the Director of **Human Rights Watch** in Washington, D.C., one Microsoft Excel spreadsheet pertaining to their request seeking an updated data extract containing information on persons detained by ICE between June 30, 2010 and December 31, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On March 2, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Suzanne Gamboa**, a reporter with *The Associated Press* in Washington, D.C., one Microsoft Excel spreadsheet pertaining to their request seeking copies of data utilized to create the table “Leading Crime Categories of Criminal Aliens Removed Fiscal Year 2009” within the report “Immigrant Enforcement Actions 2009.” Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On March 2, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Ginger McCall**, the Assistant Director of the **Electronic Privacy Information Center (EPIC)** in Washington, D.C., a no records determination in response to her request seeking copies of all communications or agreements between the U.S. Government and corporations (including but not limited to: Paypal, Visa, and Mastercard)

regarding (1) the personal information of donors to Wikileaks, and (2) the personal information (including but not limited to the identities) of individuals who accessed or attempted to access the Wikileaks web site or the November release. ICE conducted a search of the ICE Office of Homeland Security Investigations, the ICE Office of the Principal Legal Advisor, and the ICE Office of Professional Responsibility.

- On March 3, 2011, the United States Coast Guard (USCG) released to **David Fallis**, a reporter with the *Washington Post* in Washington, D.C., documents relating to their request seeking copies of the database and/or tables known as Merchant Vessels of the United States. These records were released in full.
- On March 3, 2011, the United States Coast Guard (USCG) released to **Scott Taylor**, a reporter with *19 Action News* in Cleveland, Ohio, documents relating to their request seeking a copy of the USCG Hearing Office letter to (b)(6) or his lawyer regarding the final decision on his citation of (b)(6). Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7). (Case Number 2011FOIA1383).

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. U.S. Immigration and Customs Enforcement (ICE), et al. (S.D.N.Y. 10-3488), (Secure Communities), On February 25, 2011, ICE released 2,013 pages of records responsive to the Plaintiff's Rapid Production List. Portions of those pages were withheld pursuant to Exemptions (b)(2)(high), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). ICE is currently working on a supplemental declaration in support of our Motion to Stay the Court's February 15, 2011 Order requiring ICE to include certain categories of metadata for all releases. The hearing on ICE's motion for a stay of the February 7, 2011 Order requiring the production of metadata previously scheduled for March 11, 2011 has been rescheduled for Friday, March 25, 2011. ICE intends to file a supplemental declaration before March 23, 2011.

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 4 - 10, 2011
Privacy Office
March 14, 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 March 8, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that its Ho Chi Minh City Field Office in Vietnam will close permanently on March 31, 2011. Applications and petitions previously accepted by that office may be filed with the U.S. Department of State Consular Section there. Where authorized, the Consular Section will assume responsibility for processing certain cases; other applications and petitions will be sent to the USCIS Field Office in Bangkok, Thailand.
 - On March 8, 2011, United States Citizenship and Immigration Services (USCIS) posted the interim policy memorandum "Extension of Status for T and U Nonimmigrants; Revisions to *Adjudicator's Field Manual (AFM)* Chapter 39.1(g)(3) and Chapter 39.2(g)(3) (*AFM* Update AD11-22)" to its public website for customer review and comment. This policy memorandum provides guidance about extensions of status for T and U nonimmigrants, including any related applications for adjustment of status. The period for comment closes March 22, 2011.

II. FOIA Requests

- On March 4, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from (b)(6) an individual in Lorton, Virginia, seeking records contained in FBI files and databases. (Case Number DHS/OS/PRIV 11-0549).
- On March 4, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from (b)(6), an individual in Youngstown, Ohio, seeking records contained in every system of records, to include: CS-.021; CS-.043; CS-.053; CS-.058, CS-.125; CS-.127; CS-.129; CS-.133; CS-.156; CS-.212; CS-.224; C8-.244; CS-.258). (Case Number DHS/OS/PRIV 11-0550).
- On March 4, 2011, **Nate Anderson**, Senior Editor with the *Ars Technica* in Wheaton, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) all information related to ICE's "Operation: In our Sites," which targets Internet websites accused of violating United States copyright and trademark law. (Case Number 2011FOIA6261).
- On March 7, 2011, **Brenna L. Angel**, a News Reporter with *WUKY 91.3 FM* in Lexington, Kentucky, requested from the United States Coast Guard (USCG) documents containing the following information from the

USCG Decedent Affairs: 1) policy guidelines for processing/reimbursing funeral and cemetery claims of active duty personnel; 2) the number of funeral and cemetery claims for active duty personnel processed in 2010; 3) the expense allowances for funeral and cemetery costs of active duty personnel; and 4) the length of time (number of days) to settle/reimburse each funeral and cemetery claim for active duty personnel in 2010. (Case Number 2011FOIA1734).

- On March 7, 2011, Senator **Tom Coburn (R-OK)** in Washington, D.C., requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) the following records: 1) any department management procedures or handbooks governing the administration and tracking of non-expendable personal property and equipment, as well as any related procedural flow charts if available; 2) an inventory, which includes for each item the original purchase price, of department non-expendable personal property that: a. remained unaccounted for at the conclusion of fiscal years 2006 through 2010; and b. is currently outstanding; and 3) any audit conducted for or by the Department regarding lost non-expendable personal property and equipment completed within the past five years. (Case Number 11-81).
- On March 7, 2011, **Tara Menendez**, a representative of **WOFL Fox News Corporation** in Lake Mary, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) a list of names of illegal immigrants in Florida who have been ordered deported but were not because they reached their six months under *Zadvydas v. Davis*. (Case Number 2011FOIA6363).
- On March 8, 2011, **Keith Bembenek**, a reporter with **KVOA TV Ch 4** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) the investigative report, 911 calls and any other documents, video, audio and evidence on the death of CBP Agent Brian Terry killing in the line of duty on December 15, 2010. (Case Number CBP FOIA # 2011F07306).
- On March 8, 2011, **Trent Daugherty**, Esq., Director of Legal Affairs with the **Ohio Environmental Council** in Columbus, Ohio, requested from the Federal Emergency Management Agency (FEMA) copies of documents generated by FEMA for determining changes to flood maps for Portage Township, Ohio. (Case Number 11-351).
- On March 8, 2011, the United States Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request made under the Canadian Access to Information Act. (Case Number DHS/OS/PRIV 11-0561).
- On March 8, 2011, the United States Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Ambassador Antonio O. Garza** in Austin, Texas, seeking weekly and monthly reports and summaries from sections in the Mexico City Embassy and cables sent from Mexico City in the years 2002 - 2009. (Case Number DHS/OS/PRIV 11-0566).

- On March 8, 2011, the U.S. Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from **James Klotz**, an individual in Mountainlake Terrace, Washington, seeking records relating to records regarding FBI's involvement with investigations prompted by the 2004 discovery of a computer disk in Iraq containing photos of schools in about a half-dozen U.S. states, including New Jersey, Florida and California, and diagrams and emergency information for the school districts. (Case Number DHS/OS/PRIV 11-0567).
- On March 10, 2011, **Stokely Baksh**, a Producer with **Deportation Nation** in Baltimore, Maryland, requested from U.S. Immigration and Customs Enforcement (ICE) records that ICE released to the plaintiffs in the Secure Communities FOIA litigation stemming from 2010FOIA2674: the National Day Laborer Organizing Network, the Center for Constitutional Rights, and the Immigration Justice Clinic of the Benjamin N. Cardozo School of Law. (Case Number 2011FOIA6524).
- On March 10, 2011, **Matthew Huisman**, a reporter with the Washington, D.C. bureau of the ***Dallas Morning News*** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) a list of Texas employers who were issued a notice of inspection regarding employment records and that were fined as a result of their employment records. (Case Number 2011FOIA6562).

Late Requests

- On March 3, 2011, **Randy Herschaft**, a reporter with **The Associated Press** in New York, New York, requested from the Department of Homeland Security (DHS) copies dating from January 1, 2006 to present of correspondence between the Office of the Secretary of Homeland Security (including all agency components) and the office of U.S. Rep. Michele Bachmann(R-MN); 1) Bachmann & Associates Inc.; 2) Bachmann Clinic Property LLC; 3) Minnesota Summit Project Inc.; 4) Bachmann Farm Family Limited Partnership; and or 5) Michele Bachmann. (Case Number DHS/OS/PRIV 11-0551).
- On March 3, 2011, **Karen Tumlin**, Managing Attorney with the **National Immigration Law Center** in Los Angeles, California requested from the Department of Homeland Security (DHS) all records regarding border enforcement and persons encountered in the process of departing the United States, including records related to: 1) detection, stop, arrest, and/or removal of individuals encountered in the process of approaching or crossing the border into Mexico from the U.S., Agreements, correspondence, and communications within and among U.S. Customs and Border Protection (CBP), DHS, any of their agents, agencies, sub-agencies, or offices, including but not limited to United States Attorney's Offices regarding the entry of removal orders, voluntary departure in lieu of removal, reinstatement of removal, expedited removal, or stipulated

orders of removal for individuals encountered while in the process of departing the U.S. for Mexico; 2) agreements, correspondence, and communications within and among CBP, the DHS, any of their agents, agencies, sub-agencies, or offices, including but not limited to United States Attorney's Offices regarding the entry of removal orders, voluntary departure in lieu of removal, reinstatement of removal, expedited removal, or stipulated orders of removal for individuals encountered while in the process of departing the U.S. for Mexico; 3) records containing, describing, pertaining to, or referring to how DHS and/or CBP decided to stop individuals who are in the process of voluntarily leaving the U.S., criteria used by CBP agents to decide who to stop at a crossing, and criteria used to decide which of those individuals to put through formal removal or charge with immigration violations; 4) records containing, describing, pertaining to, or referring to arrest quotas, goals, and/or targets to be fulfilled by CBP in its enforcement operations near or at the U.S.-Mexico border from January 2010 until the present, including but not limited to who issued such policies, what the policies say, how the policies were communicated; any consequences for failure to meet articulated quotas or goals or targets, including personnel records; and why the policies were adopted; 5) records containing, describing, pertaining to, or referring to the total number of persons stopped while voluntarily leaving the U.S. who were ordered removed under 8 U.S.C. §§ 1225(b), 1228, 1229a(a), 1229a(d), 1229c, and 1231(a)(5) from January 2010 until the present; and 6) records containing, describing, pertaining to, or referring to circumstances where persons stopped and/or arrested while voluntarily trying to depart the U.S. were or would be subject to detention. (Case Number DHS/OS/PRIV 11-0539).

III. FOIA Appeals

- On March 9, 2011, U.S. Customs and Border Protection (CBP) granted to **Emily Willard**, a Research Associate with the **National Security Archive** in Washington, D.C., news media status regarding their FOIA appeal seeking records relating to "the alleged involvement of U.S. gun dealers illicitly trading weapons to Mexican cartels."
- On March 8, 2011, U.S. Customs and Border Protection (CBP) released to **Gregory Korte**, a staff writer with **USA TODAY** in Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP), which partially denied his request for records concerning a Recovery Act contract with Eyak Technology LLC. Mr. Korte contested the use of Exemption (b)(4) and alleged that the responsive records did not include information regarding the contract's scope or specifications. CBP will re-release twelve (12) pages of materials consisting of invoices, transmittal cover sheets, and material inspection and receiving reports. The release will include additional information that was previously withheld. Portions of this response are withheld pursuant to FOIA exemptions (b)(4) and (b)(6).

IV. FOIA Releases

- On March 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **David Blair-Joy**, the Legal Director of the **American Civil Liberties Union (ACLU) of San Diego and Imperial Counties** in San Diego, California, one Excel spreadsheet and 22 pages responsive to their request seeking copies of correspondence, contracts, and policies concerning cooperation between the Escondido Police Department and ICE as well as information regarding the 193 arrests that resulted from this cooperation. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA1976).
- On March 4, 2011, the United States Coast Guard (USCG) released to **Adam Linhardt**, a Police/Courts/Military reporter with ***Citizen Newspaper*** in Key West, Florida, 172 pages consisting of the incident report, passenger lists, memos, emails, medical records, certificates, charts, and a crew handbook. These records were released in full.
- On March 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Tara McLaughlin**, a reporter with the ***Naples Daily News*** in Naples, Florida, 4 pages responsive to their request seeking copies of complaints filed against the Collier County Sheriff's Office in association with the 287(g) program. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6).
- On March 4, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Judy Rabinovitz**, an attorney with the **American Civil Liberties Union (ACLU) Immigrants' Rights Project** in New York, New York, six Microsoft Excel spreadsheets and 57 pages of documents that originated from Enforcement and Removal Operations (ERO) and Office of the Principal Legal Advisor (OPLA) pertaining to their request for information pertaining to the Post-Order Custody Review Process. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6) and (b)(7)(C). (Case Number 2011FOIA0003).
- On March 4, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Meg Stalcup**, a freelance reporter with the ***Washington Monthly*** in Seattle, Washington, a no records response pertaining to their request seeking copies of records pertaining to Federal Law Enforcement Training Center (FLETC) training materials, as well as records concerning the EEOC complaint of (b)(6) (Case Number 2011FOIA4621).
- On March 7, 2010, the Department of Homeland Security (DHS) released to **Scott MacFarlane**, a reporter with **Cox TV** in Washington, D.C., 15 pages of records responsive to their request seeking copies of correspondence to and from the Secretary of Homeland Security Janet Napolitano for the DHS Executive Secretariat (ESEC) tracking numbers 10-1312, 09-0829, 09-0080, 09-0804, 09-0649. These records were released in full.

- On March 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Kevin Wisniewski**, a producer with **WTVF News Channel 5** in Nashville, Tennessee, 35 pages responsive to his request seeking records regarding Barrett Enterprises, LP., Barrett Ammo, LLC., Barret Firearms Manufacturing, Barrett Firearms USA, and the weapons made by these companies. Portions of these records have been withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6) and (b)(7)(C). (Case Number 2011FOIA4210).
- On March 8, 2011, the Office of Inspector General (OIG) released to **David Shapiro**, staff attorney with the **American Civil Liberties Union's (ACLU) National Prison Project** in Washington, D.C., 92 pages responsive to their request seeking records concerning sexual abuse of detainees in the custody of U.S. Immigration and Customs Enforcement (ICE) from January 1, 2007, to the present. Portions of this response are withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C).
- On March 10, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Christine Haas**, a reporter from **KHOU Television** in Houston, Texas, 1 page responsive to their request seeking records relating to the provision of hormone replacement medications to transgendered detainees nationally and in the State of Texas. These records were released in full.
- On March 10, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Aaron Montoya**, a reporter with **The Ridgway Sun** in Ridgway, Colorado, one Excel spreadsheet and 79 pages responsive to their request seeking the number of individuals referred to ICE from the Montrose County Jail from fiscal years 2005 to 2010. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6).
- On March 10, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stefan Kamph**, a reporter with the **New Times Broward-Palm Beach** in Fort Lauderdale, Florida, 2 pages responsive to their request seeking information concerning individuals arrested during a Fugitive Operations enforcement action that occurred in Broward and Palm Beach Counties between December 6 – 10, 2010. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6).
- On March 14, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stefan Kamph**, a reporter with the **New Times Broward-Palm Beach** in Fort Lauderdale, Florida, 2 pages responsive to their request seeking individuals arrested during a Fugitive Operations enforcement action that occurred in Broward and Palm Beach Counties between December 6 – 10, 2010. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA4451).

V. Lawsuits

- In the matter of Marcos Olivas Castillo vs. U.S. Department of Homeland Security, et al., (USDC NM 11-cv-069-LFG-RHS), Plaintiff filed a complaint January 20, 2011, claiming constructive denial pertaining to their request for records relating to investigative reports.

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 11 – 17, 2011

Privacy Office

March 21, 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 March 8, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that some existing Salvadoran Temporary Protected Status (TPS) beneficiaries would receive interim Employment Authorization Documents (EADs) during the continued processing of their re-registration applications. USCIS mailed approximately 4,500 EADs, to be delivered no later than March 9, 2011, to Salvadorans who have not yet received a final action on their re-registration applications. Issuance of the interim EADs will allow TPS beneficiaries to continue working while USCIS completes the processing of their re-registration applications.
- On March 8, 2011, United States Citizenship and Immigration Services (USCIS) posted the Policy Memorandum entitled “Extension of Status for T and U Nonimmigrants; Revisions to *Adjudicator’s Field Manual (AFM)* Chapter 39.1(g)(3) and Chapter 39.2(g)(3) (*AFM* Update AD11-22)” on its website for public feedback. This Policy Memorandum provides guidance about extensions of status for T and U nonimmigrants, including any related applications for adjustment of status. Stakeholders have until March 22, 2011, to provide their comments.
- On March 11, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that, as part of the Department of Homeland Security’s (DHS) Blue Campaign to combat human trafficking, it will permit victims of human trafficking sexual exploitation, and persons who held A-3 and G-5 visas and have filed civil action against their employer, remain and work legally in the United States while their civil cases are pending. In compliance with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, USCIS will add this small population to the existing list of groups eligible for deferred action on a case-by-case basis to allow A-3 or G-5 nonimmigrants to resolve pending litigation they have filed regarding a violation of the terms of their employment contract or conditions related to human trafficking and similar violations.
- On March 11, 2011, U.S. Immigration and Customs Enforcement (ICE) added a new category called Secure Communities Statistics to the ICE FOIA Reading Room. This category now contains Secure Communities Nationwide Interoperability statistics for Fiscal Year (FY) 2009, FY 2010, and year-to-date statistics for FY 2011.

II. FOIA Requests

- On March 11, 2011, **Mat Garcia**, a reporter with **KOCO Eyewitness News 5** in Oklahoma City, Oklahoma, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to any action by ICE officials at the Devon Tower project in Oklahoma City. (Case Number 2011FOIA6628).
- On March 14, 2011, **Mike McGraw**, a reporter with the **Kansas City Star** in Kansas City, Missouri, requested from the Office of Inspector General (OIG) any correspondence or emails to OIG in response to the OIG Report OIG-11-13 entitled "Review of the National Bio and Agro-Defense Facility Site Selection Process" (Case Number OIG FOIA#2011-083).
- On March 14, 2011, **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all 2009 and 2010 inspections, audits, annual reviews, detention center compliance reviews, and detention standards reviews of the Atlanta City Detention Center, North Georgia Detention Center and Stewart Detention Center in Georgia; and 2) any and all plans of action and responses to any and all 2009 and 2010 inspections, audits, annual reviews, detention center compliance reviews and detention standards reviews of the Atlanta City Detention Center, North Georgia Center and Stewart Detention Center. (Case Number 2011FOIA6689).
- On March 14, 2011, **Aliya Sternstein**, a reporter with the **Government Executive** in Washington, D.C., requested from the Office of Inspector General (OIG) any reports of investigation, notes, or interviews conducted by the OIG concerning the mishandling of USCIS applicant, petitioner, or beneficiary information (Case Number OIG FOIA#2011-084).
- On March 14, 2011, **Tisha Thompson**, a journalist with **WTTG-TV Fox 5** in Washington, D.C., requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) copies of receipts and expenditures on office equipment, furniture and miscellaneous items with a purchase price exceeding \$2,000.00, for use at the DHS, Nebraska Avenue Complex in Washington, D.C. from January 1, 2008 until the present day. (Case Number 11-86).
- On March 15, 2011, **Eric Tucker**, a reporter with **The Associated Press** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the names of the 20,000 people ICE reported that have been arrested since 2005 as part of Operation Community Shield; 2) a list of the charges faced by each of the 20,000 people arrested since 2005 under Operation Community Shield, including a breakdown of how many face criminal charges and how many face administrative/immigration violations; 3) a breakdown of how many of the 20,000 arrested under Operation Community Shield are U.S. citizens, how many are illegal immigrants and how many are foreign

nationals; and 4) information about how much funding ICE has allotted to Operation Community Shield in the current year and in the previous two fiscal years. (Case Number 2011FOIA6707).

- On March 16, 2011, **Andrew Becker** with the *Center for Investigative Reporting* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all emails sent between Dora Schriro and the Office of the Secretary, Department of Homeland Security (DHS) and/or Janet Napolitano between September 1, 2009 and October 6, 2009; and 2) all emails between John Morton, Dora Schriro and Beth Gibson between August 5, 2009 and October 6, 2009. (Case Number 2011FOIA6709)
- On March 16, 2011, **Bob Cusack**, a reporter with *The Hill* in Washington, D.C., requested from the Office of Inspector General (OIG) FOIA logs from November 1, 2010 through the date of the request. (Case Number OIG FOIA#2011-088).
- On March 16, 2011, **Susan Long**, co-director of **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 General Counsel Electronic Management System (GEMS). (Case Number 2011FOIA6713).
- On March 16, 2011, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** requested from U.S. Immigration and Customs Enforcement (ICE) all records regarding the ICE FOIA Tracking System. (Case Number 2011FOIA6719).
- On March 17, 2011, **Tia Ghose**, a reporter with the **Center for Investigative Reporting** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) the following records regarding the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) program who have had their passes revoked for any violations since 2005: 1) the specific violation for which the SENTRI pass was revoked; 2) the volume and type of unlawful substance imported, if applicable; 3) the date the member's pass was issued; 4) the date the member's pass was revoked; 5) whether the case was forwarded for prosecution; 6) the port-of-entry at which the pass was issued; and 7) the port-of-entry at which the pass was revoked. (Case Number CBP FOIA #2011F08038)
- On March 17, 2011, **Matthew Kownacki**, a representative with **Judicial Watch** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) all records regarding "The Upper crust Pizzeria" chain. (Case Number 2011FOIA6728).

Late Requests

- On February 8, 2011, **Pamela Barnett**, an individual from Sacramento, California, requested from United States Citizenship and Immigration Services (USCIS) copies of all documents relating to the entries and exits from the United States of Barack Hussein Obama, Senior, from August 1959 to November 1982. (Case Number NRC2011027655).

- On March 4, 2011, **Judy Rakowsky**, a freelance journalist working for **Sally H. Jacobs**, a staff writer with the ***Boston Globe***, in Belmont, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) copies of all documents relating to the entries and exits from the United States of Barack Hussein Obama, Senior, from August 1959 to November 1982. (Case Number HQS2011000021).
- On February 23, 2011, **Gregory Korte**, a reporter with ***USA Today***, in Washington, D.C, requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) any DHS contingency plans, guidance, reports, or correspondence with the Office of Management and Budget regarding preparations for a government shutdown in the absence of an appropriation or continuing resolution. (Case Number 11-0544).
- On March 2, 2011, **Michael Wereschagin**, a journalist with ***Pittsburgh Tribune-Review*** in Pittsburgh, Pennsylvania, requested from the United States Coast Guard (USCG) copies of any accounting of legal expenses charged to the agency for services involving Congressional testimony, hearings, investigations and inquiries from 2000 through the day the USCG compiled these records. (Case Number 2011FOIA1689).
- On March 9, 2011, U.S. Customs and Border Protection (CBP) referred to Federal Law Enforcement Training Center a request from **Emily P. Carey**, program coordinator with the **American Civil Liberties Union (ACLU) of New Mexico Regional Center for Border Rights** in Las Cruces, New Mexico, seeking copies of: 1) all training materials pertaining to use of force and use of deadly force utilized in the last five years; and 2) all records pertaining to the use of tasers and/or other electronic control devices (ECD) including training materials, guidelines, certification requirements, memoranda and other such documents setting forth policy and practice as issued by the Office of Training and Development, the Use of Force Policy Division, the Office of Field Operations or other entity responsible for developing such materials. (Case Number FOIA 11-053).
- On March 9, 2011, **Damien Cave**, correspondent, Mexico, Central America and the Caribbean with ***The New York Times*** in Mexico City, Mexico, requested from the Department of Homeland Security (DHS) copies of the following records: 1) all documents, including but not limited to budget documents, that outline the number of DHS employees posted to Mexico, in 2008, 2009, 2010 and currently; 2) all Interagency Agreements for 2008, 2009, 2010 and 2011 between DHS or its components and their Mexican counterparts or any arm of the Mexican government; 3) the 2008, 2009, 2010 and 2011 Letters of Agreement and Letters of Offer and Acceptance between American and Mexican officials. (Case Number DHS/OS/PRIV 11-0544).

III. FOIA Appeals

- On March 14, 2011, **Robert Deasy**, Liaison and Information Director for the **American Immigration Lawyers Association (AILA)** in

Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP) denying his requests for fee waiver and news media status related to his request for documents pertaining to circumstances when CBP will send a L-1 petition to U.S. Citizenship and Immigration Services instead of allowing withdrawal of the application for admission at the port of entry.

- On March 8, 2011, U.S. Customs and Border Protection (CBP) re-released twelve (12) pages of materials consisting of invoices, transmittal cover sheets, and material inspection and receiving reports. The release included additional information that was previously withheld. Portions of this response are withheld pursuant to FOIA exemptions (b)(4) and (b)(6).

IV. FOIA Releases

- On March 15, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Lee Wang**, a student at the **U.C. Berkeley Graduate School of Journalism** in Berkeley, California, one spreadsheet responsive to his request seeking 22 categories of information regarding individuals detained by ICE at facilities in the State of Louisiana from 2005 to the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On March 17, 2011, U.S. Customs and Border Protection (CBP) issued to **Keith Bembenek**, a reporter with **KVOA TV Ch 4** in Tucson, Arizona, a full denial pertaining to his request for the investigative report, 911 calls and any other documents, video, audio and evidence – on the death of CBP Agent Brian Terry in the line of duty on December 15, 2010. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number CBP FOIA # 2011F07306).
- On March 16, 2011, U.S. Immigration and Customs Enforcement released to **Carly Stadum**, with the **Georgetown University Law Center** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) 99 pages of records relating to their request seeking records related to procedures and policies for removing deportees with mental disabilities from the air transportation unit to foreign government officials upon arrival. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2011FOIA1793).

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), (Secure Communities Case); Plaintiffs filed a complaint April 27, 2010 claiming constructive denial with regard to ICE FOIA 10-2674, improperly denied their fee waiver and request for expedited processing. The ICE FOIA Office and OPLA met with the AUSA and representatives from the ERO Statistical Tracking Unit, the Secure Communities program office, and the Criminal

Alien Program (CAP) on March 17, 2011, to discuss a proposal from the plaintiffs for ICE to produce approximately 40 fields of data on a sampling of 3,300 individuals identified through either the CAP and Secure Communities. This was done in advance of a hearing before the Court scheduled for March 25, 2011 on this proposal.

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 18 - 24, 2011

Privacy Office

March 28, 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 March 11, 2011, The U.S. Secret Service (USSS) posted to its public website the following records: 1) USSS command post radio traffic from March 30, 1981, mp3 format; 2) USSS command post radio traffic from March 30, 1981, transcript; 3) Former President Reagan's assassination attempt interview records.
- On March 16, 2011, United States Citizenship and Immigration Services (USCIS) announced on its website that in response to recent stakeholder feedback, it is currently reviewing its policy on H-1B cap exemptions for non-profit entities that are related to or affiliated with an institution of higher education. This announcement also included information on interim procedures, suggestions, and advice for petitioners.
- On March 17, 2011, United States Citizenship and Immigration Services (USCIS) posted a reminder on its public website that temporary relief measures are available to eligible Japanese nationals. This announcement also included information about the available temporary relief measures and where more information could be found.
- On March 17, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum entitled "Delegation of Appellate Jurisdiction with Respect to Certain Forms I-360 Filed by Afghan or Iraqi Nationals; Revisions to *Adjudicator's Field Manual (AFM)* Chapter 22.3 (*AFM* Update AD 10-40)" to its website for stakeholder and public review and comments. This Policy Memorandum describes closing actions to be taken when adjudicating Form I-360, *Petition for Amerasian, Widow(er), or Special Immigrant*, filed by certain Afghan or Iraqi nationals who worked for or on behalf of the U.S. Government. It also discusses jurisdiction over appeals and certifications relating to decisions on those petitions. The period for comments closes on March 31, 2011.
- On March 18, 2011, United States Citizenship and Immigration Services (USCIS) posted on its public website that it will start accepting H-1B petitions subject to the fiscal year (FY) 2012 cap on April 1, 2011. Cases will be considered accepted on the date United States Citizenship and Immigration Service (USCIS) receives a properly filed petition for which the correct fee has been submitted, not the date that the petition is postmarked. The cap (the numerical limit on H-1B petitions) for FY 2012 is 65,000.
- On March 18, 2011, the U.S. Coast Guard (USCG) posted to its FOIA Electronic Reading Room the 167-page final action memorandum on the

Incident Specific Preparedness Review (ISPR) of the Deepwater Horizon oil spill.

- On March 18, 2011, the U.S. Coast Guard (USCG) posted to its FOIA Electronic Reading Room the one page final decision letter on the capsizing of the CGC SENECA class "B" mishap on January 13, 2009.
- On March 21, 2011, Secretary of Homeland Security Janet Napolitano and U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas announced the launch of E-Verify Self Check—an innovative service that allows individuals in the United States to check their own employment eligibility status before formally seeking employment. The E-Verify Self Check service is available to users who maintain an address and are physically located in Arizona, Idaho, Colorado, Mississippi, Virginia, or the District of Columbia. In the coming months, USCIS will continue to expand the E-Verify Self Check service to additional eligible users on a rolling basis. A transcript of the launch event was also posted to the United States Citizenship and Immigration Service (USCIS) website on March 22, 2011.
- On March 23, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room a list of all detainee deaths from October 2003 through March 23, 2011.
- On March 23, 2011, the U.S. Coast Guard (USCG) posted to its FOIA Electronic Reading Room 2,529 pages of documents used to respond to FOIA requests concerning the Deepwater Horizon oil spill in the electronic Reading Room.

II. FOIA Requests

- On March 18, 2011, **Lynda Lohr**, a reporter with the *St. John Source Newspaper* in St. John, U.S. Virgin Islands, requested from the United States Coast Guard (USCG) information on two marine accidents: the WESTIN BREEZE, which went on a reef off St. John on December 17, 2010, and the barge GENERAL II that had a similar accident on December 5, 2010. (Case Number 2011FOIA1897).
- On March 21, 2011, **Lee Ferran**, a representative of **ABC News National**, New York, New York, requested from the Federal Emergency Management Agency (FEMA) the following records: 1) any maps and/or pictorial representations of the Plume Exposure Pathway, as must be filed to FEMA by the U.S. nuclear plants at Indian Point (in Buchanan, NY), San Onofre (in San Clemente, CA), Limerick (in Limerick, PA), Desden (in Morris, IL), and Diable Canyon (in Avila Beach, CA); 2) any maps and/or pictorial representations of evacuation routes for the effected population surrounding those plants; 3) any map and/or graphical representation of the location and size of population possibly affected by a nuclear event at those plants. (Case Number 11-384)
- On March 21, 2011, **Bob McCabe**, a staff writer with *The Virginian-Pilot* in Norfolk, Virginia, requested from the United States Coast Guard (USCG) all CG-2692 or other accident reports, survey reports, damage

estimates, license proceedings, investigation materials, photographs, logbooks, statements, notes, meeting minutes, invoices, correspondence (electronic or otherwise), documents, conclusions and reports with regard to a collision between Zhen Hua and APM crane on February 14, 2011.. (Case Number 2011FOIA1907).

- On March 21, 2011, **Aliya Sternstein**, Senior Correspondent with **Government Executive** in Washington, D.C., requested from the Department of Homeland Security (DHS) any DHS Serious Incident Reports (SIR) regarding the spill, mishandling, or the violation of IT rules, regulation, or laws that involve USCIS applicant, petitioner, or beneficiary information since January 1, 2008. (Case Number DHS/OS/PRIV 11-0602).
- On March 22, 2011, **Lori Jane Gliha**, an Investigative Reporter with **ABC15 News KNXV-TV** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) records pertaining to an Arizona Border Patrol incident in May 2010, in which Arizona Border Patrol Agents outside of Tucson encountered a group of armed bandits and recovered a firearm at the scene. (Case Number FOIA 2011F08268).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) all letters, email messages or records of telephone contacts between the office of U.S. Representative Sue Myrick (R-NC-09) and DHS officials in 2009, 2010, or 2011 regarding the city of Charlotte, Muslim-Americans, or the Council on American-Islamic Relations (CAIR). (Case Number DHS/OS/PRIV 11-0608).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) records of telephone contacts between the office of U.S. Representative Michael Turner (R-OH-3) and DHS officials in 2009, 2010, or 2011 regarding the city of Dayton or Wright Patterson Air Force Base. (Case Number DHS/OS/PRIV 11-0610).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) a list of websites that are blocked or prohibited for employee viewing by DHS employees and employees of any DHS agency. (Case Number DHS/OS/PRIV 11-0611).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) any emergency evacuation plans held by DHS for any Ohio or West Virginia prison, in the case of a civil emergency or natural disaster or nuclear power plant accident. (Case Number DHS/OS/PRIV 11-0612).
- On March 23, 2011 **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) all ethics waivers and recusal agreements/paperwork issued by DHS from January 19, 2009 through the date of this request. (Case Number DHS/OS/PRIV 11-0613).

- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) all letters, email messages or records of telephone contacts between the office of U.S. Representative Silvestre Reyes (D-TX-16) and DHS officials in 2009, 2010, or 2011 regarding the city of El Paso and/or the Port of El Paso. (Case Number DHS/OS/PRIV 11-0619).
- On March 23, 2011, **Mike Mollen**, a researcher with the **Democratic Senatorial Campaign Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) all direct correspondence between U.S. Representative Danny Rehberg (R-MT) or representatives from his offices and DHS, including letters, reports, requests, and other relevant material. (Case Number DHS/OS/PRIV 11-0614).
- On March 23, 2011 **Anjan Mukherjee**, a researcher with the **Democratic Senatorial Campaign Committee**, in Washington, D.C., requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG), and United States Citizenship and Immigration Services (USCIS) correspondence and other information requested by, or provided to U.S. Senator Scott Brown (R-MA). (Case Number DHS/OS/PRIV 11-0617, Mukherjee February 28, 2011, and 2011-091).
- On March 23, 2011, **Kevin Baron**, Director of Government Affairs with the **American Small Business League** in Petaluma, California, requested from the Department of Homeland Security (DHS) records to and from any DHS employee and (b)(6) from Electronic Data Systems Corporation and/or Hewlett-Packard Company, from December 1, 2010 through March 15, 2011. (Case Number DHS 11-0621).
- On March 23, 2011, **Susan Long**, co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, NY, requested from U.S. Immigration and Customs Enforcement “augmented” FOIA logs on interim/final responses issued during March 1-15, 2011. (Case Number 2011FOIA6926).
- On March 23, 2011, **Susan Long**, co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records containing the current status of the 10 oldest pending FOIA cases. (Case Number 2011FOIA6927).
- On March 23, 2011, **Susan Long**, co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records identifying each report or statistical compilation that has been prepared for use by the ICE FOIA Office, other offices within ICE or DHS, as well as those prepared to respond to inquiries from parties external to the department containing any information on the following: FOIA workload received by the ICE FOIA Office; the progress made in processing this FOIA workload; the character of the decisions taken; and issues that have arisen that have been prepared. (Case Number 2011FOIA6928).

- On March 24, 2011, **Adriana Pinon**, a staff attorney with the **New York Civil Liberties Union** in New York, New York, requested from U.S. Customs and Border Protection (CBP) records held by the Niagara Falls CBP Office concerning or describing any action, observance, or activity pertaining to the handcuffing, arrest and detention of an individual on January 13, 2011. (Case Number FOIA 201108381).

Late Requests

- On March 4, 2011, **Robert Stein**, with **DAN RATHER REPORTS** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) data for FY 2005 to present, the visa applications, approvals, and denials for Infosys and any/all of the company's related affiliates and subsidiaries, including but not limited to: INFOSYS BPO LIMITED, INFOSYS INTERNATIONAL INC., AND INFOSYS TECHNOLOGIES LIMITED. (Case Number Stein March 4, 2011)
- On March 4, 2011, _____ a self-proclaimed journalist in _____ requested from United States Citizenship and Immigration Services (USCIS) records related to the processing of COW2011000073, including emails, memos, and notes. (Case Number COW2011000228).
- On March 9, 2011, **Robert Deasy**, Director, Liaison and Information with **American Immigration Lawyers Association (AILA)** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) the following records: copies of all documents, including, but not limited to, memoranda, templates, standard operating procedures, and training materials, concerning USCIS/NRC policies and procedures for forwarding FOIA requests to other agencies (e.g. Department of State, Department of Labor, or Department of Justice). (Case Number COW2011000243).
- On March 14, 2011, **Emily Creighton**, a staff attorney with **American Immigration Council** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) and U.S. Customs and Border Protection (CBP) all records which have been prepared, received, transmitted, collected, and or maintained by DHS and/or USCIS whether issues or maintained by United States Citizenship and Immigration Services Headquarters offices, regional offices, district offices, field offices and/or any other organizational structure, and which relate or refer in any way to any of the following: 1) attorney's ability to be present during their clients' interactions with USCIS; 2) what role attorneys may play during their clients' interactions with USCIS; 3) attorney conduct during interactions with USCIS on behalf of their clients; and 4) attorney appearances at USCIS offices or other facilities. (Case Number Creighton March 14, 2011 and 2011F08147).
- On March 16, 2011, **Lisette Garcia**, senior investigator with **Judicial Watch** in Washington, D.C., requested from United States Citizenship and

Immigration Services (USCIS) records related to the following: 1) submission; 2) approval; 3) denial; and/or 4) rejection on other grounds for the following forms: I-918; I-918A; I-918B, and I-912. (Case Number Judicial Watch March 16, 2011).

- On March 17, 2011, **Lisette Garcia**, senior investigator for **Judicial Watch** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) requested the following records: 1) all USCIS correspondence, including communications with Congress, related to the February 4, 2011, Freedom of Information Act request from Judicial Watch (COW2011000168); and 2) all USCIS records concerning, regarding, or related to the February 4, 2011 Freedom of Information Act request with Judicial Watch (COW2011000168). (Case Number Judicial Watch March 17, 2011).
- On March 17, 2010, **Eileen Scofield**, an immigration attorney from Atlanta, Georgia, requested from United States Citizenship and Immigration Services (USCIS) copies of the compliance notices issued by the E-Verify Monitoring and Compliance branch of USCIS, for FY 2010 and those issued to date for FY 2011. (Case Number NRC2011030906 and NRC2011030907).

III. FOIA Appeals

- On March 17, 2011, **Robert Deasy**, Director, Liaison and Information with **American Immigration Lawyers Association (AILA)** in Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP) denying his requests for fee waiver and news media status related to his request for CBP enforcement statistics for FY 2009.
- On March 18, 2011, **Robert Deasy**, Director, Liaison and Information with **American Immigration Lawyers Association (AILA)** in Washington, D.C., appealed the no records determination from U.S. Customs and Border Protection (CBP) which indicated that there were no records responsive to his request for an index, list or compilation of CBP or legacy-INS musters to any or all ports of entry, preclearance operations or preflight inspection locations, listing date and topic of the muster. He also appealed the denial of his requests for fee waiver and news media.
- On March 21, 2011, U.S. Customs and Border Protection (CBP) issued to **Natasha Minsker**, Death Penalty Policy Director for the **American Civil Liberties Union of Northern California**, and **Tim Redmond**, Executive Editor of the ***San Francisco Bay Guardian***, in San Francisco, California, a denial for expedited processing, but grant their request for a fee waiver pertaining to their request for documents pertaining to the acquisition of controlled substances by state officials for the purposes of carrying out executions of condemned prisoners by lethal injection.

IV. FOIA Releases

- On March 7, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Tara Menendez**, a representative of **WOFL Fox NewsCorp.**, in

Lake Mary, Florida, a no records determination pertaining to her request seeking a list of names of illegal immigrants in Florida who have been ordered deported but were not because they reached their six months under *Zadvydas v. Davis*. (Case Number 2011FOIA6363).

- On March 17, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Matthew Kownacki**, a representative of **Judicial Watch** in Washington, D.C., a no records determination in response to his request seeking records regarding “The Upper crust Pizzeria” chain. (Case Number 2011FOIA6728).
- On March 17, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Carly Stadum**, with the **Georgetown University Law Center** in Washington, D.C., 99 pages of responsive records responsive to her request seeking documents, memos, e-mails, correspondence written by ICE personnel, DHS and air transportation unit personnel, related to procedures and policies for removing deportees with mental disabilities from the air transportation unit to foreign government officials upon arrival. Portions of these records have been withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E).
- On March 18, 2011, U.S. Immigration and Customs Enforcement (ICE) will release to **Emily Willard**, a research associate at **The National Security Archive** in Washington, D.C., 13 pages responsive to their request seeking records pertaining to the report, “Intelligence Report: United States Southbound Weapons Smuggling Assessment,” ICE-00187-09. Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F).
- On March 19, 2011, United States Citizenship and Immigration Services (USCIS) released to **Henry Schuck**, an attorney in Vancouver, Washington, 9 pages of records pertaining to his request for the contact lists and organizational charts for the Offices of the Chief Information Officer. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number NRC2010017063).
- On March 21, 2011, Department of Homeland Security (DHS) will release to **Andrew Medici**, a staff writer with **The Federal Times** in Springfield, Virginia, 58 pages responsive to his request seeking copies of all relevant contact information for all public affairs officers within DHS, including phone numbers, email addresses and government-issued mobile phone numbers for all DHS employees classified as public affairs or communications officers and work with the news media to answer requests and schedule interviews. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On March 22, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 214 pages responsive to his request seeking copies of ICE policies, fact sheets, guides, and procedures for worksite enforcement operations. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E).

- On March 22, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stokley Baksh**, a reporter with **Deportation Nation** in Fairfax, Virginia, 1 spreadsheet responsive to their request for copies of contracts for services associated with the Secure Communities program and a spreadsheet that contains data on LESC operations. Portions of this response were withheld pursuant to FOIA exemption (b)(7)(E).
- On March 24, 2011, the United States Coast Guard (USCG) released to **Jody Murphy**, a reporter with the **Parkersburg News and Sentinel** in Parkersburg, West Virginia, 16 pages responsive to their request seeking documents concerning any bridge allusions related to the vessel DIXIE and/or any recreational vessels piloted by (b)(6). These records were released in full. (Case Number 2011FOIA1192).
- On March 24, 2011, the United States Coast Guard (USCG) issued to **David Baay, of Sutherland, Asbill, and Brenman** in Houston, Texas, a no records determination for his request seeking documents related to the Det Norske Veritas inspection of the Deepwater Horizon's blowout preventer at NASA's Michoud Assembly Facility in New Orleans, Louisiana. (Case Number 2011FOIA1034).

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), (Secure Communities Case): Plaintiff filed a complaint April 27, 2010, claiming constructive denial with regard to ICE FOIA 10-2674 and that ICE improperly denied their fee waiver and request for expedited processing. On March 23, 2011, ICE submitted a declaration in support of the motion to stay pending appeal, which described ICE standard process for handling FOIA requests and explained the difficulty ICE would have if required to produce metadata for all responsive documents.
- In the matter of Buen Pastor Church, et al v. U.S Customs & Border Protection, U.S. Citizenship & Immigration Services, (USDC ED NC 5:11-CV-83), Plaintiff filed a complaint February 28, 2011, claiming constructive denial pertaining to their request for records relating to CBP's enforcement of immigration laws in the interior of the country.

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 25 - 31, 2011
Privacy Office
April 4, 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 March 25, 2011, the Department of Homeland Security posted to its FOIA Library the following procurement (awards) related records:
- 1) HSHQDC-08-C-00128 (PDF, 38 pages); 2) HSHQDC-08-C-00139 (PDF, 69 pages); 3) HSHQDC-09-C-00004 (PDF, 24 pages); 4) HSHQPA-04-D-00001 (PDF, 33 pages); 5) HSHQPA-05-A-00030 (PDF, 22 pages); 6) HSHQDC-07-C-00100 (PDF, 47 pages); 7) HSHQDC-07-D-00030 (PDF, 72 pages); 8) HSHQPD-09-C-000006 - 1 (PDF, 78 pages); 9) HSHQPD-09-C-000006-2 (PDF, 75 pages); 10) HSHQPD-09-C-000006-3 (PDF, 75 pages); 11) HSHQDC-09-J-00014 (PDF, 76 pages); 12) HSHQDC-09-C-00125 (PDF, 38 pages); 13) HSHQDC-09-C-00123 (PDF, 33 pages); 14) HSHQDC-09-C-00129 (PDF, 36 pages); 15) HSHQDC-06-F-00214 (PDF, 28 pages); 16) HSHQDC-06-J-00433 (PDF, 43 pages); 17) HSHQDC-08-C-00011 (PDF, 39 pages); 18) HSHQDC-08-J-00026 (PDF, 23 pages); 19) HSHQDC-09-C-00165 (PDF, 76 pages); 20) HSHQDC-09-C-00040 (PDF, 40 pages); 21) HSHQDC-09-C-00168 (PDF, 34 pages); 22) HSHQDC-09-D-00001-1 (PDF, 40 pages); 23) HSHQDC-09-D-00001 -2 (PDF, 40 pages); 24) HSHQDC-09-D-00001-3 (PDF, 35 pages); 25) HSHQDC-09-D-00003 (PDF, 201 pages); 26) HSHQDC-09-F-00157 (PDF, 34 pages); 27) HSHQDC-09-J-00027 (PDF, 27 pages); 28) HSHQPA-05-A-00058 (PDF, 88 pages); and 29) HSHQPA-06-9-0002 (PDF, 42 pages).
- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library the following procurement (Orders) related records:
- 1) HSHQDC-06-D-00019 (PDF, 96 pages); 2) HSHQDC-07-J-00409 (PDF, 15 pages); 3) HSHQDC-08-F-0001 (PDF, 41 pages); 4) HSHQDC-08-J-00196 (PDF, 50 pages); 5) HSHQDC-09-F-00133 (PDF, 21 pages); 6) HSHQDC-07-J-00708 (PDF, 66 pages); 7) HSHQDC-08-C-00035 (PDF, 45 pages); 8) HSHQDC-09-J-00014 (PDF, 89 pages); and 9) TIRNO-04-Z-00010 (PDF, 25 pages).
- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library the following procurement (Solicitations) related records: 1) HSCEOP-06-C-00045 (PDF, 130 pages); and 2) HSHQDC-06-D-00028 (PDF, 34 pages).
- On March 23, 2011, the Department of Homeland Security posted to its FOIA Library the 2011 Chief FOIA Officers Report. The Department of Justice posted the report to the collective site on March 29, 2011.
- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library PRIV FOIA Logs, October 1, 2010 thru January 31, 2011.

- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library FEMA FOIA Logs, October 1, 2010 thru December 31, 2010.
- On March 30, 2011, United States Citizenship and Immigration Services (USCIS) posted a reminder on its public website regarding the deadline to apply for funding under the FY 2011 Citizenship and Immigration Grants Program. Organizations must apply electronically by 11:59 p.m. EDT on April 1 using the application package and instructions available at www.grants.gov.

II. FOIA Requests

- On March 25, 2011, **Heather Catallo**, an Action News Investigator with ***Channel 7 Action News (ABC) WXYZ-TV*** in Southfield, Michigan, requested from the Department of Homeland Security (DHS) the following records: 1) any and all Form 3155 Offense/Incident Reports stemming from suspicious packages, persons at or near the McNamara Federal Building in Detroit dating back 2 years; 2) any other reports related to suspicious packages discovered at the McNamara building dating back 2 years; and 3) any and all Form 3155 Offense/Incident Reports stemming from suspicious packages found at or near federal buildings around the country dating back 2 years. (Case Number DHS/OS/PRIV 11-0631).
- On March 25, 2011, **Louise Radnofsky**, a journalist with ***The Wall Street Journal*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all correspondence between Members of Congress and DHS since January 1, 2011. (Case Number DHS/OS/PRIV 11-0632).
- On March 26, 2011, **Zhaowang Ji**, a Project Manager for **New Immigrants United** in Germantown, Tennessee, requested from the United States Citizenship and Immigration Services (USCIS) information related to employment based I-485 approvals for the first 6 months of FY 2011. (Case Number Zhaowang Ji).
- On March 28, 2011, **Meghan Ashford-Grooms**, a reporter with the **Austin American-Statesman** in Austin, Texas, requested from U.S. Customs and Border Protection (CBP) the number of apprehensions of individuals from Cuba, Iran, Sudan, and Syria by CBP, which occurred on the southwestern border of the United States from October 1, 2008 through April 30, 2010. (Case Number FOIA #2011F08506)
- On March 28, 2011, Federal Bureau of Investigation (FBI) referred to the Department of Homeland Security (DHS) documents responsive to a request from Brian Field, an attorney with Bancroft and Associates on behalf of his client **Michael Ledeen**, a reporter with ***National Review Online*** in Washington, DC, seeking copies of the following records: 1) Michael A. Ledeen in connection with Israel; 2) Michael A. Ledeen in connection with Iran; 3) Michael A. Ledeen in connection with Iraq; 4) Michael A. Ledeen in connection with Italy -including, but not limited to,

a meeting in Rome, Italy in December, 2001; 5) Michael A. Ledeen in connection with counterintelligence matters; and 6) directing officials and/or employees of the U.S. Government - including, but not limited to, (b)(6), an employee of the U.S. Marine Corps - to refuse to meet or talk with Michael A. Ledeen. (Case Number DHS/OS/PRIV 11-0629).

- On March 28, 2011, **Anne Weismann**, Chief Counsel for *Citizens for Responsibility and Ethics in Washington (CREW)* in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all documents DHS provided to the House Oversight and Government Reform Committee in response to Committee Chairman Darrell Issa's (R-CA) requests of January 14, 2011 and February 1, 2011. (Case Number DHS/OS/PRIV 11-0641).
- On March 29, 2011, **Jackie Barber**, Deputy Counsel with the **National Republican Congressional Committee (NRCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) all hard copy and electronic correspondence, memoranda, notes, records of telephone calls or any other form of communication between DHS staff and the office of Congressman Steny Hoyer (D-MD); and 2) all hard copy and electronic correspondence, memoranda, notes, records of telephone calls or any other form of communication between DHS staff that both refers to the office of Congressman Steny Hoyer (D-MD) and that refers or relates to the following projects in any way: Capital Wireless Information Net, University of Maryland, and Perimeter security and noise abatement study at the Rowley training center, Maryland. (Case Number 11-0645).
- On March 31, 2011, the U.S. Department of Agriculture (USDA) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Jessica Culpepper**, a staff attorney from **The Humane Society of the United States** in Washington, DC, seeking records related to the implementation of the "Farm Bill" as codified as 7 U.S.C. 2148 in the Animal Welfare Act on May 22, 2008. (Case Number DHS/OS/PRIV 11-0650).
- On March 31, 2011, **Julie Johnson**, a reporter with *The Press Democrat* in Santa Rosa, California, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding all Sonoma County Jail inmates brought into ICE custody between March 1, 2010 and February 28, 2011 through the Secure Communities program. (Case Number 2011FOIA7104).
- On March 31, 2011, **Kelly Just**, an Investigative Producer with *KSL-TV* in Salt Lake City, Utah, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the number of voluntary returns/departures successfully completed by ICE from January 1, 2007 through December 31, 2009 as ordered by the Utah Immigration Court; 2) the number of orders of removal completed against detained aliens by ICE from January 1, 2007 through December 31, 2009 as ordered by the Utah

Immigration Court; 3) the number of orders of removal completed against non-detained aliens by ICE from January 1, 2007 through December 31, 2009 as ordered by the Utah Immigration Court; and 4) the number of bond amounts forfeited by respondents who failed to appear in court or voluntary departures from January 1, 2007 through December 31, 2009. (Case Number 2011FOIA7105).

- On March 31, 2011, **J.J. Hensley**, a journalist with *The Arizona Republic* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) the most current immigration status for individuals arrested by worksite enforcement operations conducted by the Maricopa County Sheriff's Office. (Case Number 2011FOIA7106).
- On March 31, 2011, **Meg Stalcup**, a freelance journalist with the *Washington Monthly* in Seattle, Washington, requested from the Federal Law Enforcement Training Center (FLETC) the following records that pertain to the specified areas of the curriculum, listed in the FOTTP schedule on the dates below: FOTTP - 602 January 31-February 9, 2006 Wed 2/1/06 2557 Islamic Culture and Names Wed 2/1/06 2606 History of Jihad Wed 2/8/06 Computers and Terrorism Wed 2/8/06 Computers and Terrorism FOTTP - 602 Pilot January 31-February 9, 2006 Fri 02/03/06 3115 Cyber Capabilities of Radical Islamic Groups Tue 02/07/06 2606 History of Jihad Tue 02/07/06 2521 Introduction to Islamic Culture for Law Enforcement FOTTP - 702 March 13-22, 2007 Tue 3/13/07 2606 Overview of Islam for Law Enforcement Officers Tue 3/20/07 2606 History of Jihad Tue 3/20/07 2521 Introduction to Islamic Culture for Law Enforcement FOTTP - 703 May 8-17, 2007 Tue 5/15/07 2606 History of Jihad Tue 5/15/07 2521 Introduction to Islamic Culture for Law Enforcement Wed 5/16/07 2606 Overview of Islam Wed 5/16/07 2606 Introduction to Jihad for Law Enforcement Officers Wed 5/16/07 2606 Jihad Case Studies FOTTP - 704 July 24-August 2, 2007 Wed 7/25/07 2556 Historical Overview of Islam Wed 7/25/07 2606 Intro to Jihad for Law Enforcement Officers Tue 7/31/07 2606 History of Jihad Tue 7/31/07 2521 Introduction to Islamic Culture for Law Enforcement FOTTP - 801 March 10-18, 2008 Room No: 2 Agency Mixed Tue 3/11/08 2556 Historical Overview of Islam Tue 3/11/08 2606 Intro to Jihad for Law Enforcement Officers Room No: 3 Tue 3/11/08 2556 Historical Overview of Islam Tue 3/11/08 2606 Intro to Jihad for Law Enforcement Officers FOTTP - 803 June 17-26, 2008 Tue 6/17/08 2556 Historical Overview of Islam Tue 6/17/08 2606 Intro into Jihad for LEOS Wed 6/18/08 2556 Historical Overview of Islam Wed 6/18/08 2606 Intro to Jihad for LEO's Tues 6/24/08 The Quran: A history of violence Seven myths about Islam: From Muhammad to the Mahdi Revenge of the Mahdi: The return of the Shi'i jihad in Iraq. (Case Number 11-061)
- On March 31, 2011, **Meg Stalcup**, a freelance journalist with the *Washington Monthly* in Seattle, Washington, requested from the Federal Law Enforcement Training Center (FLETC) all training materials that pertain to the specified areas of the curriculum, listed in the FOTTP

schedule on the dates below: FOTTP - 602 January 31-February 9, 2006
 WED 02/01/06 1103 Legal Aspects of Terrorism FRI 02/03/06 2510 Pre-
 Incident Indicators FOTTP - 602 Pilot January 31-February 9, 2006 WED
 02/01/06 1103 Legal Aspects of Terrorism Investigations THU 02/02/06
 2622 Contemporary Issues in Terrorism (Case Studies) WED 02/01/06
 2510 Pre-Incident Indicators (listed on schedule on Wed 02/08/06 with
 note that it was moved to 2/01/06 FOTTP - 702 March 13-22, 2007 THU
 3/15/07 2620 Contemporary Issues in Terrorism TUE 3/13/07 1103 Legal
 Aspects of Terrorism Investigations WED 3/14/07 1103 Legal Aspects of
 Terrorism Investigations THU 3/15/07 2622 Contemporary Issues in
 Terrorism (Case Studies) WED 03/21/07 2510 Pre-Incident Indicators
 FOTTP - 703 May 8-17, 2007 TUE 05/08/07 2636 Trends in Terrorism
 TUE 05/08/07 2523 Domestic Terrorism TUE 05/08/07 1103 Legal
 Aspects of Terrorism Investigations WED 05/09/07 1103 Legal Aspects of
 Terrorism Investigations THU 5/10/07 2622 Contemporary Issues in
 Terrorism (Case Studies) WED 5/16/07 2620 Contemporary Issues in
 Terrorism (Case Studies) WED 05/16/07 2510 Pre-Incident Indicators
 FOTTP - 703 May 8-17, 2007 (Agency: mixed) WED 05/09/07 2620
 Contemporary Issues in Terrorism (Case Studies) WED 05/09/07 2523
 International Terrorism WED 05/09/07 2523 Domestic Terrorism THU
 05/10/07 1103 Legal Aspects of Terrorism Investigations FOTTP - 704
 July 24-August 2, 2007 (Agency: mixed) TUE 7/24/07 2636 Trends in
 Terrorism THU 7/26/07 1103 Legal Aspects of Terrorism Investigations
 THU 7/26/07 2559 International Terrorism THU 7/26/07 2560 Domestic
 Terrorism FOTTP - 704 July 24-August 2, 2007 TUE 7/24/07 2636
 Trends in Terrorism TUE 7/24/07 2523 Domestic Terrorism TUE 7/24/07
 1103 Legal Aspects of Terrorism Investigations WED 7/25/07 1103 Legal
 Aspects of Terrorism Investigations THU 7/26/07 2622 Contemporary
 Issues in Terrorism (Case Studies) WED 08/01/07 2620 Contemporary
 Issues in Terrorism (Case Studies) WED 08/01/07 2510 Pre-Incident
 Indicators FOTTP - 801 March 10-18, 2008 Room No: 2 Agency Mixed
 TUE 3/11/08 2620 Contemporary Issues in Terrorism (Case Studies) TUE
 3/11/08 2530 Case Studies WED 3/12/07 1103 Legal Aspects of
 Terrorism Investigations WED 3/12/07 2560 Domestic Terrorism Room
 No: 3 TUE 3/11/08 2620 Contemporary Issues in Terrorism TUE 3/11/08
 2530 Case Studies WED 3/12/07 1103 Legal Aspects of Terrorism
 Investigations WED 3/12/07 2559 International Terrorism WED 3/12/07
 2560 Domestic Terrorism FOTTP - 803 June 17-26, 2008 WED 6/18/08
 2620 Contemporary Issues in Terrorism WED 6/18/08 2530 Case Studies
 THU 6/19/08 1103 Legal Aspects of Terrorism Investigations THU
 6/19/08 2559 International Terrorism THU 6/19/08 2560 Domestic
 Terrorism FOTTP - 803 June 17-26, 2008 Agency: Mixed TUES 06/17/08
 2558 Trends in Terrorism WED 6/18/08 2620 Contemporary Issues in
 Terrorism WED 6/18/08 2530 Case Studies (10 AM-12 PM) WED
 6/18/08 2530 Case Studies (1 PM-3 PM FRI 6/20/08 2559 International

Late Requests

- On March 12, 2011, **Carlos Subero**, a journalist with *The International Consortium of Investigative Journalist*, in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) the number of Venezuelan Citizens who have applied for legal residency from 2000 to 2010; 2) the number of Venezuelan Citizens Diversity Program Applicants from 2000 to 2010; 3) the number of Venezuelan Citizens who were preselected for the Diversity Program from 2000 to 2010; and 4) the number of Venezuelan Citizens who obtained legal residency through the Diversity Program from 2000 to 2010. (Case Number Subero).
- On March 18, 2011, **Daniel Raymond Carlson**, a self-proclaimed writer, in Sunnyside, New York, requested from the United States Citizenship and Immigration Services (USCIS) copies of every record in John Lennon's file (Case Number COW2011000247).
- On March 21, 2011, **Sulgee Lee**, a journalism student in Provo, Utah, requested from the United States Citizenship and Immigration Services (USCIS) copies of the 2010 report on: 1) the percentages of people who attempt to immigrate to the United States through marriage; 2) the number of attempted immigration fraud marriages; and 3) the demographics of immigrants who obtained their status through marriage. (Case Number Sulgee).
- On March 23, 2011, **Gregory Korte**, a staff writer with *USATODAY* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of the DHS plan submitted to the Office of Management and Budget (OMB) pursuant to the presidential memorandum dated June 10, 2010: "Disposing of Unneeded Real Estate." (Case Number DHS/OS/PRIV 11-0634).
- On March 24, 2011, (b)(6) an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) copies of e-mails, documents, letters or other materials from, to, or among Alejandro Mayorkas and/or other high ranking officials relating to: 1) the reassignment of (b)(6) from the position of (b)(6); 2) complaints by (b)(6) and Bret Gregg to the Office of the Inspector General (OIG), the Office of Special Counsel (OSC) and the Citizenship and Immigration Service (CIS) and Department of Homeland Security (DHS) Ethics Counsels; 3) the acronym "S.C.R.U.B." that appeared on the United States Citizenship and Immigration (USCIS) Director's office whiteboard in 2009; 4) the performance rating for (b)(6) for the rating year ending September 30, 2010; 5) the release to Senator Grassley of the memo with the subject line "Administrative Alternatives to Comprehensive Immigration Reform" and all records regarding discussions with or

preparation of the witnesses requested by Senator Grassley during 2009 to 2011; 6) moral at the California Service Center (CSC) between April and October 2010; 7) customer complaints about the California Service Center (CSC); 8) complaints or investigations pertaining to (b)(6) from 2008 to 2010; 9) the detail of (b)(6) to Office of Security and Integrity (OSI) in 2010; 10) seven identified receipt files; 11) the reassignment of Jennifer Louis to the position of Chief of Staff, California Service Center (CSC) in 2010; 12) the California Service Center (CSC) during the period from March–August 2010; 13) any alleged Office of Civil Rights and Civil Liberties (CRCO) complaints against the California Service Center (CSC) in 2009 and 2010; 14) the cancellation of the selections of the positions for (b)(6) at the California Service Center (CSC); 15) the temporary promotion of (b)(6) to a supervisor position at the California Service Center (CSC) in 2010, and his subsequent transfer to Atlanta; 16) the cost of searching the e-mail and computers of several individuals at the California Service Center (CSC) during 2010 and 2011; 17) ethics training at the California Service Center (CSC) conducted in 2010, and the discussion or creation of a new Ethics Training for the California Service Center (CSC) to include Ethics Training materials presented by (b)(6) to personnel of the California Service Center (CSC) between July and September 2010, all broadcast messages issued by the California Service Center (CSC) regarding the Ethics Training in 2010, and any discussions of decertification, invalidation, or lack of accreditation by United States Citizenship and Immigration (USCIS) Academy or any other United States Citizenship and Immigration (USCIS) officials regarding the Ethics Training provided to the California Service Center (CSC) in 2010; 18) application, qualification and selection of (b)(6) for any United States Citizenship and Immigration (USCIS) position in 2009 or 2010; 19) (b)(6) detail to the California Service Center (CSC) in 2010, and her failure to pay her government credit card and the cancellation/suspension of that card; 20) travel documents for Rosemary Melville from 2008 to present; 21) Senior Executive Service (SES) performance ratings, performance bonuses and pay raises for rating year ending September 30, 2010; 22) e-mails between (b)(6) and Headquarters Service Center Operations staff during the period March 2008 through March 2009, regarding candidate Obama presidential campaign; 23) authorization for (b)(6) to work for the 2008 presidential campaign; 24) staff meeting notes and documents of Service Center Operation managers, political discussions during the period March 2008 through March 2009; and 25) performance ratings and performance awards for the rating period ending September 30, 2010, for USCIS GS-15 employees whose assigned duty station was Washington, DC. (Case Number (b)(6))

III. FOIA Releases

- On January 31, 2011, Federal Law Enforcement Training Center (FLETC) released to **Meg Stalcup**, a reporter with the *Washington Monthly* in Seattle, Washington, copies of all FOTTP schedules. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 10-129).
- On March 3, 2011, the Office of Inspector General (OIG) released to **Bob Cusack**, a reporter with *The Hill* in Washington, D.C., copies of FOIA logs from November 1, 2010 to the present. Portions of this response were withheld pursuant to FOIA exemption (b)(6).
- On March 25, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Rebecca Boone**, a reporter with *The Associated Press* in Boise, Idaho, 67 pages responsive to her request seeking the following records: 1) copies of all audits reviewing the medical and health care services provided at the Elizabeth Detention Center in New Jersey and the Torrance County Detention Facility in New Mexico between Jan. 1, 2007 and Aug. 27, 2010; and 2) copies of any monthly, quarterly, annual or any other routinely created medical reports produced by Corrections Corporation of America for ICE concerning both the facilities during the same time period. (Case Number 2010FOIA8396).
- On March 25, 2011, the Department of Homeland Security (DHS) Office of General Counsel released to **Anne Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, DC, 61 pages responsive to her request seeking all records of communications among and between U.S. Representative Darrell E. Issa (R-CA) and/or anyone acting on behalf of Rep. Issa or the House of Representatives Committee on Oversight and Government Reform (Oversight Committee), Rep. Issa's personal staff, any staff of, and any investigators internal or external to the Oversight Committee including but not limited to (b)(6) and: (1) any employee of the DHS Privacy Office including but not limited to the undersigned, Catherine M. Papoi, and/or Vania Lockett. Portions of this response were withheld in full pursuant to exemption (b)(5). (Case Number DHS 11-0423).
- On March 29, 2011, United States Citizenship and Immigration Services (USCIS) released to **Michael Rizzo**, founder of **Mob Tours** in Buffalo, New York, two pages relating to Frank J. Valente. Portions of this response are withheld pursuant to FOIA exemption (b)(7)(C). (Case Number COW2011000216).
- On March 30, 2011, the Department of Homeland Security (DHS) will release to **Suzanne Gamboa**, a reporter with *The Associated Press* in Washington, DC, 2 pages of records responsive to her request seeking records regarding proposals for administrative alternatives to comprehensive immigration reform from January 2007 through the end of February 2009. (Case Number DHS/OS/PRIV 11-0239).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- On March 31, 2011, U.S. Customs and Border Protection (CBP) issued to **Robert Deasy**, Liaison and Information Director for the **American Immigration Lawyers Association (AILA)** in Washington, DC, a determination indicating that his requests for expedited processing and news media status were moot since CBP issued a response and did not assess any fees related to his request for documents pertaining to circumstances when CBP will send a L-1 petition to U.S. Citizenship and Immigration Services instead of allowing withdrawal of the application for admission at the port of entry. (Case Number 2011F03339).

VI. 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 April 1 - 7, 2011
Privacy Office
April 11, 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 March 24, 2011, United States Citizenship and Immigration Services (USCIS) posted an interim memorandum entitled “Supplemental Guidance to USCIS Service Centers on Adam Walsh Act Adjudication - Centralization of Identified Adam Walsh Act Related Petitions at the Vermont Service Center for Adjudication and Review (*AFM* Update AD11-23)” on its public website for stakeholder review and comment. This memorandum provides guidance to USCIS service centers regarding changes in the handling of all stand-alone I-130 and I-129F petitions filed by petitioners who have been convicted of any “specified offense against a minor” under the Adam Walsh Child Protection and Safety Act of 2006 (“Adam Walsh Act” or “AWA”) and related issues. This memorandum applies only to petitions that are adjudicated at the service centers and not to petitions adjudicated at USCIS field offices. The period for comment ends April 7, 2011.

II. FOIA Requests

- On April 4, 2011, **Lucy Dalglish**, Executive Director and Publisher with **The New Media and The Law** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all FOIA requests received by DHS covering the period ranging from January 20, 2009 through the present that were deemed “significant FOIA requests” by agency personnel pursuant to standards developed in 2005 (as described on page 3 of Mary Ellen Callahan’s March 31, 2011 written statement before the U. S. House of Representatives Committee on Oversight and Government Reform (“Statement”) along with any and all “summary” records related to such significant requests as referred to on page 6 of the Statement. (Case Number DHS/OS/PRIV 11-0669).
- On April 7, 2011, **Jason Smathers**, a blogger with **MuckRock** 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 March of 2011. (Case Number DHS/OS/PRIV 11-0687).
- On April 7, 2011, **Laura Strickler**, a journalist with **CBS News** in Washington, DC, requested from the Department of Homeland Security (DHS) all Weekly Cabinet Reports to the White House from October 1, 2010 through April 6, 2011. (Case Number DHS/OS/PRIV 11-0682).
- On April 7, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) all Weekly Cabinet Report to White House weekly reports created from January 27, 2011 through the date this request is processed. (Case Number DHS/OS/PRIV 11-0688).

- On April 7, 2011, **Scott MacFarlane**, a reporter with **COX TV** in Washington, DC, requested from the Department of Homeland Security (DHS) all weekly Cabinet reports to The White House from December 20, 2009 thru April 6, 2011. (Case Number DHS/OS/PRIV 11-0673).
- On April 4, 2011, **Erin Maskell**, a reporter with the **National Security Archive** at The George Washington University in Washington, DC, requested from U.S. Customs and Border Protection (CBP) all documents relating to an individual during the time he was located in Florida from March 12, 2005 through May 17, 2005. (Case Number CBP FOIA 2011F08934).
- On April 4, 2011, (b)(6) an individual in Costa Mesa, California, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) all correspondence from March or April 2008 from herself to several other employees, which reference the (b)(6) MSPB decision; and 2) documentation of any actions taken as a result of that email, including investigations. (Case Number (b)(6)).
- On April 5, 2011, **Paul Gottlieb**, a Special Projects Reporter with the **Peninsula Daily News** in Port Angeles, Washington, requested from the United States Coast Guard (USCG) the investigative report on the crash of the MH-60 Jayhawk rescue helicopter off James Island on July 7, 2010. (Case Number 2011FOIA2086).
- On April 5, 2011, **Elaine Povich**, a reporter with **The Fiscal Times** in Laurel, Maryland, requested from the Office of Inspector General (OIG) the identities of the towns, cities, and urban areas mentioned in two OIG reports: #OIG-11-44, entitled "The State of Texas' Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008;" and #OIG-11-46, entitled "The State of California's Management of Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008." (Case Number OIG FOIA #2011-098).
- On April 6, 2011, **Chuck Bennett**, a reporter with **The New York Post** in New York, New York, requested from U.S. Customs and Border Protection (CBP) the following records: 1) documents that discuss the gross total numbers of seizures year by year from 2007 to year to date; 2) documents that discuss the domestic value year by year of seized goods (based on CBP or industry estimates, compiled by CBP); 3) documents that specify the types/makes/models of parts seized; 4) documents that specify "rights infringed" upon; and 5) documents that specify which ports and/or regional/field offices where the seizures occurred. (Case Number CBP FOIA 2011F08959).
- On April 6, 2011, (b)(6) in Saint Paul, Minnesota, requested from the Department of Homeland

Security (DHS) a copy of the following records: 1) correspondence relating to the U.S. Coast Guard (USCG) FOIA request number 2010-2784; 2) correspondence relating to FOIA requests about any contracts between the DHS (or any of its components) and Talon Security, or any company with a substantially similar name; 3) correspondence relating to FOIA requester (b)(6); 4) correspondence relating to FOIA requester (b)(6); and 5) any intra-agency correspondence between any staff member of the DHS and any staff member of the USCG that relates to items 1-4, above. (Case Number DHS/OS/PRIV 11-0674).

- On April 6, 2011, **Andrew Glazer**, a producer with *Dan Rather Reports* in New York, New York, requested from U.S. Customs and Border Protection (CBP) copies of all records related to the April 18, 2010, detention of an individual near Indio, California. (Case Number CBP FOIA 2011F08956).
- On April 6, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of the DHS Office of Intelligence and Analysis (I&A) organizational chart. (Case Number DHS/OS/PRIV 11-0680).
- On April 7, 2011, **Philip Halin**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) records of communication between DHS and the office of Congressman Peter King (R-NY-3) including but not limited to emails, letters, or other communication to and from Congressman Peter King (R-NY-3) or any member of his staff. (Case Number DHS/OS/PRIV 11-0681).
- On April 6, 2011, **Carolyn Thompson**, a correspondent with *The Associated Press* in Buffalo, New York, requested from U.S. Customs and Border Protection (CBP) copies of statistics on human smuggling arrests along the northern border from 2001 through 2010, including location (port of entry, sector), also whether they were on foot or by vehicle. (Case Number CBP FOIA 2011F08955).

Late Requests

- On March 9, 2011, **Smruti Govan**, a Research Intern with **Amnesty International USA** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) the total number of family-sponsored and employment based immigrant visa applications from Mexicans for 2010 that are pending; 2) the total number of those applications that were granted; and 3) the total number of applications for employment-based adjustment of status under INA 245 that are still pending from Mexico. (Case Number COW2011000253).
- On March 14, 2011, **Mike Mollen**, a Researcher with the **Democratic Senatorial Campaign Committee**, in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) all

correspondence and other information exchanged between USCIS and U.S. Representative Dennis Rehberg (R-MT). (Case Number NRC2011034995).

- On March 21, 2011, **Deborah Patterson**, a representative of **Thomson Reuters** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) the California Service Center Administrative Appeals Order dated March 11, 2003, that was referenced in WAC0128353346. (Case Number COW2011000248).
- On March 21, 2011, **Michael Ray**, a lawyer in Miami, Florida, requested from United States Citizenship and Immigration Services (USCIS) on behalf of his client **The Haitian-American Grassroots Coalition** records relating to requests for Temporary Protected Status by Haitians. (Case Number COW2011000260).
- On March 23, 2011, **Adam Rosen**, a lawyer with the **Murphy Law Firm**, in Owings Mills, Maryland, requested from United States Citizenship and Immigration Services (USCIS) a copy of all documents that were created in whole or in part by USCIS that were issued in whole or in part pursuant to satisfy Section 428 of the Homeland Security Act of 2002. (Case Number COW2011000254).
- On March 30, 2011, **Jordy Yager**, a reporter with **The Hill** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) a complete log of all travel undertaken by the DHS Secretary Janet Napolitano from January 21, 2009 thru March 23, 2011; and 2) a complete log of all travel undertaken by DHS Deputy Secretary Jane Holl Lute from January 21, 2009 thru March 23, 2011. (Case Number DHS/OS/PRIV 11-0659).

III. FOIA Releases

- On April 1, 2011, the Federal Emergency Management Agency (FEMA) released to **Sean Cairncross**, Chief Counsel with the **National Republican Senatorial Committee** in Washington, DC, 3 pages of records, which include correspondence to President George W. Bush requesting declaration of a major disaster for the State of Indiana. These records were released in full. (Case Number DHS/OS/PRIV 10-0724 and FEMA 10-568).
- On April 1, 2011, the Science and Technology (S&T) Directorate released to **Chetanand Sewaraz**, an individual in Youngstown, Ohio, 55 pages of responsive records to his request seeking a copy of all records in the possession of the FBI concerning or making reference to his name. Portions of this response are withheld pursuant to FOIA exemption (b)(7)(c). (Case Number FBI/PA #115317-000, DHS/OS/PRIV 11-0550, and S&T 11-0003.14).
- On April 4, 2011, the Office of Inspector General (OIG) released to **Bob Cusack**, a reporter with **The Hill** in Washington, DC, 6 pages of OIG FOIA logs. Portions of this response are withheld pursuant to FOIA exemption (b)(6). (Case Number 2011-088).

- On April 6, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with ***The Atlanta Journal-Constitution*** in Atlanta, Georgia, 89 pages of records, which includes copies of inspection reports and reviews. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA4264).
- On April 7, 2011, the U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, 100 pages of documents and three spreadsheets responsive to her request seeking copies of records regarding immigration case dismissals and prosecutorial guidance from ICE Offices within Houston, Texas between June 1, 2010 and the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number 2011FOIA0324).
- On April 7, 2011, the Department of Homeland Security (DHS) released to **Erin Maskell**, an intern with the **National Security Archive** in Washington, DC, 9 pages of responsive records comprised of congressional correspondence and emails. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0412).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. 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 April 8 - 14, 2011
Privacy Office
April 18, 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 April 6, 2011, United States Citizenship and Immigration Services (USCIS) International Operations Division and the Office of Public Engagement invited stakeholders to participate in a meeting in which USCIS presented findings of a recent interagency site visit to Addis Ababa to review Ethiopian adoptions. The meeting invitation and presentation has been posted on USCIS.gov.
- On April 7, 2011, United States Citizenship and Immigration Services (USCIS) Office of Public Engagement hosted an engagement with the American Immigration Lawyers Association (AILA), the Office of Chief Counsel and other relevant program offices/directorates. USCIS discussed issues related to the adjudication of immigration benefits and other concerns posed by AILA members. A Questions and Answers page has been posted on USCIS.gov.
- On April 8, 2011, United States Citizenship and Immigration Services (USCIS) Office of Transformation Coordination and the Office of Public Engagement invited stakeholders to participate in a session regarding mandatory electronic filing of applications and petitions for immigration benefits. The meeting invitation and agenda have been posted on USCIS.gov.
- On April 8, 2011, United States Citizenship and Immigration Services (USCIS) announced it continues to accept H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2012 cap. The agency began accepting these petitions on April 1, 2011. USCIS is monitoring the number of petitions received that count toward the congressionally mandated annual H-1B cap of 65,000 and the 20,000 U.S. Master's degree or higher cap exemption; approximately 5,900 H-1B petitions counting toward the 65,000 cap, and approximately 4,500 petitions toward the 20,000 cap exemption for individuals with advanced degrees have been received.

II. FOIA Requests

- On April 12, 2011, the United States Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Annie Weismann**, Chief Counsel with **Citizens for Responsibility and Ethics in Washington** and **Damon Mogien**, Global warming Director with **Greenpeace** in Washington, DC, seeking the following records: 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, as referenced in Brian Ross "BP Releases Oil Spill Video After Pressure" From White House and Media, ABC News May 12, 2010, available at <http://abcnews.go.com/IBlotter/bp-releasees-oil-spill-video-pressure-white-house/story?id=10629165>; and 2) all documents that mention, refer, or relate to NOAA 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 NOAA communications as well as all communications to, by, or from NOAA to the EPA, the Dept of 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. (Case Number DHS/OS/PRIV 11-0714).

- On April 8, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from the Office of Inspector General (OIG) a statistical breakdown, by FY, state, and agency of all criminal investigations related to U.S. Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE) from 2003 to present, including a breakdown of investigations leading to arrests, indictments, and convictions. Additionally, Mr. Becker seeks statistical breakdowns as described above for all CBP, USCIS, and ICE corruption-related criminal investigations. (Case Number OIG FOIA #2011-100).
- On April 8, 2011, **Paul Hampel**, a reporter with the **St. Louis Post-Dispatch** in St. Louis, Missouri, requested from the Office of Inspector General (OIG) the following records: 1) the identity of the engineer DHS-OIG hired to inspect the University City, Missouri, fire station on December 15, 2010, for OIG audit report #OIG-11-52, entitled "Actions Taken by the Federal Emergency Management Agency in Response to an Allegation Concerning the Application for a Station Construction Grant Submitted by the University City, Missouri, Fire Department;" 2) records of all payments from DHS-OIG to the engineer for the inspection and any subsequent work related to the inspection; and 3) the report or any work product that the engineer produced related to the inspection. (Case Number OIG FOIA #2011-102).
- On April 8, 2011, **Lori Pruett**, with **Vatterott, Harris, Devine & Kwentus, P.C.** in Maryland Heights, Missouri, requested from the Department of Homeland Security (DHS) a copy of the engineer's report mentioned on page 2 of the OIG audit report #OIG-11-52, entitled "Actions Taken by the Federal Emergency Management Agency in Response to an Allegation Concerning the Application for a Station Construction Grant Submitted by the University City, Missouri, Fire Department." (Case Number DHS/OS/PRIV 11-0703).
- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) copies of “Chief Intelligence Officer Notes” issued in March 2011. (Case Number DHS/OS/PRIV 11-0707).

- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all contributions made by the Office of Intelligence and Analysis (OI&A) in March 2011 for consideration in the President’s Daily Brief. (Case Number DHS/OS/PRIV 11-0708).
- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) copies of the FOIA Logs from FY 2010 and FY 2011. (DHS/OS/PRIV Case Number 11-0709).
- On April 12, 2011, **Christopher Zealand**, a research attorney with the **National Rifle Association of America (NRA)** in Fairfax, Virginia, requested from the Department of Homeland Security (DHS) the following records: 1) any correspondence, memoranda, or other documents in any form, including those in electronic and/or voice form, referring to possible gun control measures in Clinton, Iowa; 2) any correspondence, memoranda, or other documents in any form, including those in electronic and/or voice form, referring to the effect of federal law or regulation on a political subdivision's ability to enact or enforce gun control measures; 3) any Freedom of Information Act (FOIA) requests received by DHS concerning any of the above subject matters. (Case Number DHS/OS/PRIV 11-0710).
- On April 13, 2011, the Office of the Director of National Intelligence (ODNI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **David Perera**, a reporter with **FierceGovernmentIT** in Washington, DC, seeking copies of the self-assessment questionnaire sent by PM-ISE to 72 fusion centers used to access the fusions centers’ current operations against baseline capabilities. (Case Number DHS/OS/PRIV 11-0718).

Late Requests

- On April 4, 2011, **Peter Duffy**, a freelance journalist in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) records pertaining to Hermann W. Lang, a (now deceased) naturalized citizen who subsequently was convicted of espionage. (Case Number COW2011000301).
- On April 5, 2011, **Zorah Samizay**, an individual in Stamford, Connecticut, requested from United States Citizenship and Immigration Services (USCIS) the name and position of the Department of Homeland Security (DHS) staff member who interviewed an individual in Beirut, Lebanon between October 1, 2010 and November 31, 2010 regarding Special Immigrant Visa applications. (Case Number COW2011000310).
- On April 7, 2011, the Federal Bureau of Investigation (FBI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Jordan Goodman**, a Professor and Honorary Research

Associate with the **Department of Science and Technology Studies, University College London** in London, England, seeking the FBI files on Max Yergan. (Case Number DHS/OS/PRIV 11-0691).

- On April 7, 2011, **Nate Jones**, FOIA Coordinator with the **National Security Archive** at George Washington University in Washington, DC, requested from the Department of Homeland Security (DHS) any materials pertaining to the October 22, 1983 hostage situation in Augusta, Georgia, involving at least two Presidential staffers during President Reagan's golfing trip. (Case Number DHS/OS/PRIV 11-0690).
- On April 7, 2011, **Sarnata Reynolds**, Director of Policy and Advocacy, Refugee and Migrants Rights Program, **Amnesty International USA** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all records referencing or detailing any complaint or investigation into CBPs actions involving [sic] members of the Tohono O'odham Nation. (Case Number DHS/OS/PRIV 11-0700).

III. FOIA Releases

- On April 11, 2011, the Federal Emergency Management Agency (FEMA) released to **Salvador Sarmiento**, a Legal Associate with the **RFK Center for Justice and Human Rights** in Washington, DC, two excel spreadsheets, which contain 2008 declarations for CFO Financial Information Tool and Hurricane Supplemental Obligations and Outlays. These records were released in full. (Case Number FEMA 10-513).
- On April 13, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with **Witness Unto Me** in Topock, Arizona, 55 pages of documents, which comprise Barack Hussein Obama, Senior's Alien file. Portions of this response are being withheld pursuant to FOIA Exemption (b)(6). (Case Number HQS2010000119).
- On April 13, 2011, U.S. Citizenship and Immigration and Services (USCIS) released to **Audrey Dorelien** with the Office of Population Research, Wallace Hall, **Princeton University** in Princeton, New Jersey, 51 pages of documents responsive to her request for records pertaining to Temporary Protected Status because of natural disasters for several countries. These records were released in full. (Case Number COW2011000225).
- On April 14, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Gregory Korte**, a reporter with **USA Today** in Washington, DC, 45 pages responsive to his request seeking copies of contingency plans, guidance, or correspondence with the Office of Management and Budget regarding preparations for a government shutdown. These records were released in full. (Case Number MGMT 11-89).
- On April 14, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Lisa Lerer**, a reporter with **Bloomberg News** in Washington, DC, 68 pages responsive to her request seeking copies of memos and papers related to the contingency planning

for a potential government shutdown. These records were released in full. (Case Number MGMT 11-73/Lerer).

IV. FOIA Appeals

- On March 30, 2011, **Matthew Kownacki**, a researcher with **Judicial Watch**, in Washington, DC, appealed the response from U.S. Customs and Border Protection (CBP) to his request for: 1) a copy of the Firearms and Use of Force Handbook utilized by Customs and Border Protection on December 14, 2010; and 2) a copy of any amended version of the Firearms and Use of Force Handbook, if changed since December 14, 2010.

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Dany Rojas-Vega v. United States Citizenship and Immigration Services, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Eric H. Holder, Jr., United States Attorney General is joined as indispensable party*, (09-CV-2489-BEN), Plaintiff filed a complaint March 17, 2011, claiming the agency improperly withheld from the Plaintiff releasable information in his 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 April 15 - 21, 2011

Privacy Office

April 25, 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 April 5, 2011, U.S. Immigration and Customs Enforcement posted to its FOIA Library the list of all detainee deaths from October 2003 through March 31, 2011, available from <http://www.ice.gov/doclib/foia/reports/detaineedeaths2003-present.pdf>.
 - On April 12, 2011, United States Citizenship and Immigration Services (USCIS) Asylum Division held their quarterly stakeholder meeting to discuss issues regarding asylum operations. A Questions and Answers sheet will be available on USCIS's website at a later time.
 - On April 13, 2011, United States Citizenship and Immigration Services (USCIS) Director Mayorkas hosted a public engagement meeting to discuss the broader issues of importance to the arts, entertainment, and modeling industries in the "O" and "P" nonimmigrant classifications. A detailed executive summary of the engagement will be available on USCIS's website at a later time.
 - On April 14, 2011, United States Citizenship and Immigration Services (USCIS) invited interested parties to participate in a stakeholder engagement meeting regarding the unauthorized practice of immigration law and building the capacity of immigration service providers. A detailed executive summary of the engagement will be available on USCIS's website at a later time.
 - On April 14, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that a final rule that adopts, without change, an interim rule to improve the integrity of the Employment Eligibility Verification (Form I-9) process. USCIS received approximately 75 public comments in response to the interim rule, which has been in effect since April 3, 2009. The main changes made by the interim rule and adopted by the final rule include prohibiting employers from accepting expired documents; revising the list of acceptable documents by removing outdated documents and making technical amendments; and adding documentation applicable to certain citizens of the Federated States of Micronesia and the Republic of the Marshall Islands. The final rule will be published in the Federal Register on April 15 and will be available at www.uscis.gov. The final rule will be effective on May 16, 2011.

II. FOIA Requests

- On April 15, 2011, **Josh Gerstein**, a reporter with **Politico** in Alexandria, Virginia, requested from the United States Coast Guard (USCG) all records pertaining to the organization Vietnam Veterans Against the War (VVAW). (Case Number 2011FOIA2221).
- On April 15, 2011, **Christina Poulos**, an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) all emails between several individuals in the USCIS Service Center Operations regarding or mentioning the President Obama's 2009 presidential campaign, the presidential campaigns, conventions, or voting between March 2008 and March 2009. (Case Number HQS2011000063).
- On April 18, 2011, **Christina Poulos**, an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) all documents and correspondence between and among high-ranking USCIS officials regarding a Los Angeles Times article dated August 10, 2010, authored by Teresa Watanabe. (Case Number HQS2011000066).
- On April 18, 2011, **Lise Olsen**, a reporter with **The Houston Chronicle** in Houston, Texas, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) an electronic copy of the number of affirmative asylum applications for Mexican nationals for the years 2005-2010 with subtotals for those residing in Arizona, California, New Mexico and Texas; 2) the number of applications for trader/investor visas for Mexican nationals for 2005-2010 with subtotals for those residing in Arizona, California, New Mexico and Texas; and 3) the number of Texas asylum seekers and trade/investor visa applicants who applied from or intended to reside in El Paso, Houston, San Antonio, Laredo, McAllen and Dallas for 2005 - 2010. (Case Number COW2011000322).
- On April 18, 2011, **Sarah Henkel**, a legal assistant with the **South Texas Civil Rights Project** in San Juan, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) policies and procedures pertaining to the housing and detention of gays, lesbians, and transgender persons as outlined in ICE's national detention standards; and 2) policies and procedures pertaining to the housing and detention of gays, lesbians, and transgender persons as specified in the contract between ICE and the Management and Training Corporation detention facility, Willacy County Detention Center located at 1601 County Road 300 South Raymondville, TX 78580-4115. (Case Number 2011FOIA7470).
- On April 18, 2011, **Jack Julian** and **Fernande Devost**, reporters with **CBC News** in Halifax, Nova Scotia, requested from U.S. Customs and Border Protection (CBP) all records pertaining to the late Adolphe Joseph LeBlanc, a Roman Catholic Priest stopped at the U.S. - Canadian border

on or about August 3, 1941, with a boy hidden in the trunk of his car. (Case Number CBP FOIA 2011F10224).

- On April 6, 2011, **Jack Julian** and **Fernande Devost**, reporters with **CBC News** in Halifax, Nova Scotia, requested from the United States Citizenship and Immigration Services (USCIS) all records pertaining to an August 3, 1941 stop of Adolphe Joseph LeBlanc, a Canadian citizen, at the US Border. (Case Number COW2011000323).
- On April 18, 2011, **Polo Sandoval**, reporter with **KRGV-TV Channel 5 News** in Rio Grande Valley, Texas, requested from U.S. Customs and Border Protection (CBP) records relating to probable cause affidavits, criminal complaints, case files, and witness/suspect statements, specifically seeking the following: case material relative to alien apprehensions, illicit narcotics, weapons, undeclared money, or any other contraband seized during either or outbound inspection operations at the Laredo rail port of entry the 2010 fiscal year, and the 2011 fiscal year to date. (Case Number CBP FOIA 2011F10413).
- On April 19, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the current baseline data dictionary, all entity relationship diagrams, and all records describing the relational table structures for the ENFORCE Apprehension Booking Module (EABM), Release 9.24; 2) Wed-Enabled Automated Biometric Identification System (WebIDENT), Release 1.15 Contract No. HSHQDC-06-D-00032 Task Order No. HSCETC-08-J-00010; Investigative Systems Branch March 9, 2010, EVY00.10077-01.UA0-EDS. (Case Number 2011FOIA7480).
- On April 19, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records identifying all mandatory fields in the ENFORCE database system. (Case Number 2011FOIA7486).
- On April 19, 2011, **Conor Kennedy**, Appellate Advocacy Fellow and **Ginger McCall**, Associate Director of Open Government Project with **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) all contracts, proposals, and communications between the federal government and third parties, including, but not limited to, H.B. Gary Federal, Palantir Technologies, and/or Berico Technologies, and/or parent or subsidiary companies, that include provisions concerning the capability of social media monitoring technology to capture, store, aggregate, analyze, and/or match personally-identifiable information; 2) all contracts, proposals, and communications between DHS and any states, localities, tribes, territories, and foreign governments, and/or their agencies or subsidiaries, and/or any corporate entities, including but not limited to H.B. Gary Federal, Palantir Technologies, and/or Berico Technologies, regarding the implementation

of any social media monitoring initiative; 3) all documents used by DHS for internal training of staff and personnel regarding social media monitoring, including any correspondence and communications between DHS, internal staff and personnel, and/or privacy officers, regarding the receipt, use, and/or implementation of training and evaluation documents; 4) all documents detailing the technical specifications of social media monitoring software and analytic tools, including any security measures to protect records of collected information and analysis'; and 5) all documents concerning data breaches of records generated by social media monitoring technology. (Case Number DHS/OS/PRIV 11-0736).

- On April 19, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) a copy of a training video on agent suicide produced by the CBP's El Paso Sector in 2010. (Case Number CBP FOIA 2011F10488 and DHS/OS/PRIV 11-0723).
- On April 18, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) the number of corruption investigations involving CBP and U.S. Immigration and Customs Enforcement (ICE) employees opened by Office of Inspector General (OIG) in California, Arizona, New Mexico, Nevada and Texas during calendar years 2008 - 2010. (Case Number OIG FOIA #2011-105).
- On April 19, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from the Department of Homeland Security (DHS) all records of suicides of U.S. Customs and Border Protection (CBP) agents and inspectors since 2006, including, but not limited to: name of the agent, location of the port or sector the agent was assigned to, date of the suicide, specific CBP division within which the agent worked, specific duties of the agent. (Case Number DHS/OS/PRIV 11-0722).
- On April 19, 2011, **Danny Ramos**, Executive Assistant to the CEO from **Allied Artists International, Inc.**, in Hacienda Heights, California, requested from the United States Citizenship and Immigration Services (USCIS) all documents, applications and/or reports relating to deceased singing artist Andrew Roy Gibb (a.k.a. Andy Gibb). (Case Number HQS2011000067).
- On April 19, 2011, **Sean Riordan**, a staff attorney with the **American Civil Liberties Union** in San Diego, California, requested from U.S. Customs and Border Protection (CBP) all records regarding regulations affecting aliens' access to counsel and circumstances surrounding their detainment. (Case Number CBP FOIA 2011F10489).
- On April 20, 2011, **John Althen**, the FOIA Program Manager with **Judicial Watch, Inc.**, in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) any and all records of the April 19, 2011 meeting at the White House concerning immigration reform, attended by Secretary of Homeland Security Janet Napolitano; 2)

any and all records of communications concerning the April 19, 2011 meeting at the White House; 3) any and all records created or obtained in preparation for the April 19, 2011 White House meeting, including but not limited to records concerning potential invitees to the meeting; and 4) any and all records created or obtained as a result of the April 19, 2011 meeting at the White House. (Case Number DHS/OS/PRIV 11-0735).

- On April 20, 2011, **John Althen**, the FOIA Program Manager with **Judicial Watch, Inc.**, in Washington, DC, requested from U.S. **Customs and Border Protection (CBP)** the following records: 1) documents related to all bid solicitations, contract awards, blanket purchase agreements and purchase orders for less lethal weapons, launching systems and ammunition (including, but not limited to, FN 303 launching systems, Pepperball launching systems and less lethal, shotgun-fired projectiles) announced or awarded between January 1, 2007 and the date of compliance with this request; 2) documents related to all instances in which a Border Patrol Agent fired a less lethal weapon system (including the firing of less lethal, shotgun-fired projectiles) in the course of his or her official duties, other than in a training environment, between January 1, 2007 and the date of compliance with this request; and 3) documents related to the guidance, instruction and direction provided to Border Patrol Agents regarding the use of less lethal weapon (including the use of less lethal, shotgun-fired projectiles) and all records of communication regarding the drafting, review, and issuance of this guidance, instruction, and direction between January 1, 2007 and the date of compliance with this request. (Case Number FOIA 2011F10499).
- On April 20, 2011, **Samuel Murillo**, a journalist with **La Voz Arizona, Arizona Republic** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the report regarding an individual who is hospitalized at St. Joseph Medical Center in Phoenix, after several injuries allegedly suffered after an incident on March 31, 2011 with CBP officers at the San Luis, Arizona Port of entry. (Case Number CBP FOIA 2011F10439).
- On April 20, 2011, **Mark Whetstone**, President of **American Federation of Government Employees, AFL-CIO Local 3928** in Lincoln, Nebraska, requested from the United States Citizenship and Immigration Services (USCIS) copies of eligible applicants' resumes, rankings/scores, ranking and scores related to interviews, ranking and scores related to personal references and all correspondence relating to vacancy CIS-423825-NSC. (Case Number HQS2011000068).
- On April 20, 2011, **Mark Whetstone**, President of **American Federation of Government Employees, AFL-CIO Local 3928** in Lincoln, Nebraska, requested from the United States Citizenship and Immigration Services (USCIS) copies of eligible applicants resumes, rankings/scores, ranking and scores related to interviews, ranking and scores related to personal references and all correspondence relating to vacancy CIS-PJN-352577-FDS. (Case Number HQS2011000069).

- On April 21, 2011, **Shawn Hils**, a representative of the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) all direct correspondence between U.S. Representative Dean Heller (R-NV-2) or his staff and DHS, including letters, reports, requests, and other relevant material from January 1, 2006 - present. (Case Number 11-0739).

Late Requests

- On March 22, 2011, **Anjan Mukherjee**, a representative of the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding U.S. Senator Scott Brown (R-MA) from February 4, 2010 to the present. (Case Number 2011FOIA7183).
- On April 1, 2011, **Mark Fleming**, National Litigation Coordinator for the **National Immigrant Justice Center** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) copies of existing intergovernmental service agreements (“IGSAs”) entered into by Department Homeland Security (DHS)/ICE, the U.S. Marshals Service, the Office of the Federal Detention Trustee of any other federal government entity to house immigrant detainees at the (1) Jefferson County Jail located in Mount Vernon, Jefferson County, Illinois and (2) the Tri-County Detention Center located in Ullin, Pulaski County, Illinois; and 2) copies of detention facility reviews, audits, and inspections conducted by ICE/ERO or by any private entity contracted by ICE/ERO, such as the Nakamoto Group of the 1) Jefferson County Jail, and 2) Tri-County Detention Center, in fiscal years 2007, 2008, 2009, 2010, and 2011. (Case Number 2011FOIA7124).
- On April 4, 2011, **Vicki Hart**, a journalist with the **Tucson Weekly** in Tucson, Arizona, requested from U.S. Immigration and Customs Enforcement records relating to the deportation history of a Mexican citizen wanted for the murder of Martha Flores on March 14, 2008. (Case Number 2011FOIA7246).
- On April 5, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of “augmented” FOIA logs on interim and final responses issued from March 15, 2011 through March 31, 2011. (Case Number 2011FOIA7222).
- On April 6, 2011, **Ross Weinstein**, a representative from **George Washington University, School of Public Health and Health Services** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) copies of health care worker certificates submitted to USCIS by the Foreign Credentialing Commission on Physical Therapy (FCCPT). (Case number COW2011000314)
- On April 11, 2011, **Tony D’Astoli**, a journalist with **FOX 13-WTVT** in Tampa, Florida, requested from U.S. Immigration and Customs

Enforcement (ICE) a list of all aliens in Florida that have been placed on an Order of Supervision, the offense they were serving time for, the date the Order of Supervision was started and the facility they were released from. (Case Number 2011FOIA7354).

- On April 12, 2011, **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following records: 1) any and all correspondence, including but not limited to email, letters, meeting records, etc, regarding immigration case dismissals and/or prosecutorial guidance from June 1, 2010 to present; and 2) any and all correspondence regarding the case dismissals and/or prosecutorial guidance involving several identified ICE employees and leadership from June 1, 2010 to present. (Case Number 2011FOIA7365)
- [REQUESTED COMPONENT SEND E-COPY OF REQUEST] On April 13, 2011, **Rebekah Cowell**, a freelance contributor with **Independent Weekly** in Durham, North Carolina, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all correspondence since November 2008 between city staff of the following North Carolina counties: Wake County; New Hanover County; Buncombe County; Gaston County; Henderson County and ICE regarding the federal agency's activities in city facilities. (Case Number 2011FOIA7424).

III. FOIA Releases

- On April 5, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **M.L. Elrick**, a reporter with the **Detroit Free Press** in Detroit, Michigan, a no records determination in response to their request seeking all material related to Detroit ICE's investigation of (b)(6) who was convicted of dealing ecstasy in the city of Detroit. (Case Number 2011FOIA6028).
- On April 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, 100 pages of documents and three spreadsheets that originated from ICE's Chief Counsel Offices in Houston pertaining to her request seeking records relating to immigration case dismissals and prosecutorial guidance from ICE Offices within Houston, Texas, between June 1, 2010 and the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2011FOIA324).
- On April 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Angela Turner**, a reporter with **The Journal Gazette** in Fort Wayne, Indiana, one (1) page pertaining to her request seeking records relating to the number of criminal aliens whose deportation process began in Indiana from October 1, 2005 through the present. These records were released in full. (Case Number 2011FOIA2612).
- On April 8, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Theodore Emery**, an editor with the **Congressional Quarterly**

in Washington, DC, a no record determination pertaining to his request seeking copies of any and all memoranda to or from Director 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 April 8, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Atlanta, Georgia, 89 pages responsive to his request seeking all 2009 and 2010 inspections, audits, annual reviews, detention center compliance reviews, detention standards reviews of the Irwin County Detention Center in Georgia. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA4264).
- On April 13, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Shannon Dininny**, a reporter with *The Associated Press* in Yakima, Washington, a full denial to her request seeking the number of officers and other staff members involved with the January 20, 2011 arrest in Ellensburg, Washington, related to an investigation into counterfeit citizenship documents. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA5068).
- On April 15, 2011, the Office of Inspector General (OIG) released to **Amrit Singh**, the senior legal officer for National Security and Counterterrorism at the **Open Society Justice Initiative** in New York, New York, 171 pages of work papers pertaining to OIG's inspection #OIG-08-18, entitled "The Removal of a Canadian Citizen to Syria." Portions of this response were withheld pursuant to FOIA exemptions (b)(1), (b)(5), (b)(6), and (b)(7)(C). (Case Number OIG #2010-187).
- On April 15, 2011, U.S. Customs and Border Protection (CBP) released to Cori Crider, Legal Director with Reprieve in London, United Kingdom, 21 pages consisting of TECS records. Portions of this response were withheld pursuant to FOIA exemptions (b)(3), (b)(6), (b)(7)(C) and (b)(7)(E). An additional 24 pages were referred to the Federal Bureau of Investigation (FBI) for review and potential release with similar exemptions. (Case Number DHS/OS/PRIV 10-0879).
- On March 16, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 17 pages responsive to her request seeking records relating to the FOIA request tracking system. These records were released in full. (Case Number 2011FOIA6719).
- On March 17, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Keegan Hamilton**, a blogger with the **Seattle Weekly** in Seattle, Washington, a full denial to his request seeking all search warrants, arrest warrants, and search warrant affidavits related to the ICE investigation into the manufacture and purchase of counterfeit identity and employment documents in Ellensburg, Washington, on January 20, 2011. These pages

were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA6024).

- On March 18, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Martha Mendoza**, a reporter with *The Associated Press* in Santa Cruz, California, a full denial to her request seeking records relating to the murder of 72 immigrants in Mexico's northern state of Tamaulipas on or about August 25, 2010. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA5917)
- On April 19, 2011, the United States Coast Guard (USCG) released to **Laura Strickler**, a producer for CBS News in Washington, DC, 2 pages responsive to her request seeking records related to a 27-foot National Oceanic and Atmospheric Administration (NOAA) law enforcement vessel that was inspected by the USCG in 2008 and is currently located in Seattle, Washington. (Case Number 2011FOIA1375).
- On April 19, 2011, the United States Coast Guard (USCG) released to **Matt Jenkins**, a writer for **High Country News** in Berkeley, California, 433 pages of material consisting of boardings, enforcements, and investigation reports. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number 2009FOIA0344).
- On April 19, 2011, the United States Coast Guard (USCG) released to **Rachel Lippmann**, a news producer with the **St. Louis Public Radio** in St. Louis, Missouri, the activity number to the investigation and the link to the CGMIX website to review a copy of the document requested. These records were released in full. (Case Number 2011FOIA1795).
- On April 20, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Atlanta, Georgia, 11 pages responsive to his request seeking all contracts, agreements, or memoranda of understanding (MOUs) concerning the placement of ICE detainees at the Irwin County Detention Center in Georgia. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6). (Case Number 2011FOIA4265).
- On April 20, 2011, the Federal Emergency Management Agency (FEMA) recommended to the Department of State (DOS) full disclosure of 162 pages of documents responsive to the request from the **Department of Foreign Affairs Canada**, seeking the complete text of the Civil Assistance Plan signed by Canada and the United States on February 14, 2008. (Case Number DOS 200901979, DHS/OS/PRIV 11-0441, and FEMA 11-326).
- On April 21, 2011, United States Citizenship and Immigration Services (USCIS) released to **Thomas Dublin**, an individual in Brackney, Pennsylvania, 90 pages responsive to his request seeking records pertaining to the legal disposition or settlement of a class action lawsuit filed in 1994 where African American employees from Immigration Naturalization Services (INS) filed a lawsuit against the agency claiming

systematic discrimination in the administration of the agency. These records were released in full. (Case Number NRC2009072083).

IV. FOIA Appeals

- On April 15, 2011, **Leon Howard**, a Staff Attorney with the **American Civil Liberties Union of New Mexico** in Albuquerque, New Mexico, appealed the response from U.S. Customs and Border Protection (CBP) denying his request for a fee waiver related to his request for documents pertaining to the policy and activities of the El Paso Sector Border Patrol within 100 and 25 miles of the U.S. – Mexico border.
- On April 20, 2011, **Andrew Becker**, a Staff Reporter at the **Center for Investigative Reporting** in Berkeley, California, appealed the response from U.S. Customs and Border Protection (CBP) to his request for official photographs of forty-one (41) CBP employees who had been arrested, charged, convicted, and/or sentenced on corruption-related charges from 2003 to present.

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Judicial Watch, Inc., v. United States Department of Homeland Security*, (1-11-cv-00606-GK), Plaintiff filed a complaint March 23, 2011, claiming constructive denial to their request for records relating to deferred action. ICE is seeking a 30-day extension to file the answer, which would allow them time to complete the processing of all responsive records and send them to the requestor before filing our answer.
- In the matter of *Judicial Watch v. United States Department of Homeland Security*, (D.D.C. 11-CV-604), Plaintiff filed a complaint March 23, 2011, claiming constructive denial to their request for records relating to the systematic review of pending immigration cases in Houston, Texas. ICE is seeking a 30-day extension to file the answer, which would allow them time to complete the review of the already-processed responsive records and send them to the Plaintiff before filing our answer.
- In the matter of *Judicial Watch, Inc., v. United States Department of Homeland Security*, (1-11-cv-00725), Plaintiff filed a complaint April 14, 2011, claiming constructive denial to their request for records relating to the Carlos Marinelly-Mantano, 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.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.* (S.D.N.Y. 10-3488), (Secure Communities Case): ICE is processing I-213 narratives and working to produce a document containing corresponding data for a data sample of several

hundred individuals identified through the CAP and Secure Communities programs for the plaintiffs. A hearing was held on April 21, 2011, on ICE's motion for a stay of the Court's order on metadata pending appeal to the 2nd Circuit.

- In the matter of *Families for Freedom v. ICE*, (S.D.N.Y. 10-8354), U.S. Immigration and Customs Enforcement (ICE) has completed the processing of a spreadsheet containing anonymous data on every alien detained in the New York area of responsibility from 2004 through 2010. This spreadsheet will be provided to the plaintiffs in accordance with a settlement agreement that will be sent to the Court for approval on Friday, April 22, 2011, once that agreement is approved.

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 22 - 28, 2011

Privacy Office

May 2, 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 April 21, 2011, United States Citizenship and Immigration Services (USCIS) invited stakeholders to participate in a teleconference to discuss issues affecting refugees, asylees, and other noncitizens. In part one, USCIS, the Social Security Administration (SSA), and the Department of Health and Human Services (HHS) discussed the expiration of Supplemental Security Income (SSI) benefits refugees and other noncitizens, identified available citizenship preparation resources, and explored ways to disseminate information to the affected population. In part two, USCIS, U.S. Customs and Border Protection (CBP), and the Department of State (DOS) outlined their respective roles in the derivative refugee and asylee immigration process and discussed how benefit-granting agencies verify the immigration status of these individuals. A detailed executive summary will be available at a later time.
- On April 22, 2011, United States Citizenship and Immigration Services (USCIS) posted the policy memorandum entitled "Procedures for Recommending Revocation of a U.S. Passport to the Department of State; Adjudicators Field Manual, Chapter 83 (AFM Update AD 10-46)" on its public website for stakeholder review and comment. The purpose of this memorandum is to provide guidance to USCIS employees regarding requests for revocation of U.S. Passports, as established by communication from the Department of State (DOS). The period for comments ends May 5, 2011.

II. **FOIA Requests**

- On April 22, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) a list of all current and former contractors, subcontractors, rehired annuitants and/or other individuals who work on contracts for ICE as part of the Secure Communities program, including: 1) the date the contractor/subcontractor/rehired annuitant/other individual; 2) the monetary value of the contract or agreement awarded; the length of the contract awarded; 3) the award/contract number; 4) the date the contract ended or was terminated; and 5) the reason why the contract ended or was terminated. (Case Number 2011FOIA7590)
- On April 25, 2011, **Juan O. Tamayo**, a reporter with the ***Miami Herald*** in Miami, Florida, requested from the United States Coast Guard (USCG) a copy of all entries in the log of the USCG's 7th District based in Miami, of the tugboat MUHEET and the barges it was towing when its motor stopped and began drifting near Cuban waters from the period of

November 26, 2010 to December 11, 2010. (Case Number 2011FOIA2231).

- On April 26, 2011, **Lewis Kamb**, a reporter with *The (Tacoma) News Tribune* in Tacoma, Washington, requested the following from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) access to and copies of any and all emergency, contingency and/or evacuation plans for the Northwest Detention Center; 2) a contractor-owned/contractor-operated, immigration detention facility located in Tacoma, Washington, as referenced in the ICE/DRO Detention Standard, since January 1, 2004 to the present date; 3) any and all Memoranda of Understanding (MOU), written agreements and/or contracts between the Northwest Detention, Center, its current and/or past operator/owners and/or ICE/DRO, with any and all local, state and federal law enforcement agencies, as referenced in the ICE/DRO Detention Standard, from January 1, 2000 to the present date; and 4) any and all contracts, RFPs, RFQs, bid proposals, bid solicitation, bid applications, contract performance work statements and/or any and all other records related to the solicitation, procurement and/or award of federal contracts regarding immigration detention operations in Washington State from January 1, 2000 to the present date. (Case Number 2011FOIA7593).
- On April 26, 2011, **Susan Carroll**, a reporter with the *Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records of complaints/offenses and disciplinary outcomes by GS level, listing the offense and the resulting corrective/disciplinary action. (Case Number 2011FOIA7597).
- On April 26, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding numerous ENFORCE (EID) detention facilities related tables. (Case Number 2011FOIA7600).
- On April 27, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) alien-by-alien anonymous data covering all individuals against whom the Department of Homeland Security (DHS) has filed charges in Immigration Court. (Case Number 2011FOIA7607).
- On April 26, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) alien-by-alien, detention facility-by-detention facility, anonymous data covering all individuals who have been detained, released, or were in ICE custody since October 1, 1998. (Case Number 2011FOIA7601).
- On April 26, 2011, **Ruthie Epstein**, with **Human Rights First** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a detailed demographic breakdown of the ICE detainee

population for “any single day” in calendar year 2011. (Case Number 2011FOIA7604).

- On April 27, 2011, **Jeff McDonald**, a staff writer with *The San Diego Union-Tribune* in San Diego, California, requested from U.S. Customs and Border Protection (CBP) copies of any letters, demands for payment, notices of debt, improper tariff classifications, settlement agreements or other records sent by CBP to Directed Electronics, Inc., DEI Headquarters Inc., or DEI Holdings Inc., since January 1, 2010. (Case Number CBP FOIA # 2011F10811).
- On April 27, 2011, **Catherine Rentz**, a journalist with **PBS Frontline** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the results of the ICE report looking into alleged misconduct and abuse at the Willacy Detention Center in Raymondville, Texas. (Case Number 2011FOIA7608). This request is a follow up from an April 1, 2011 interview with Kumar Kibble.

Late Requests

- On April 4, 2011, **Jefferson Morley**, an author in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) any and all files or record relating to George E. Joannides and the Directorio Revolucionario Estudiantil between December 1962 and April 1964. (Case Number COW2011000335).
- On April 5, 2011, **Leah Nylen**, a reporter with *Bloomberg News* in Washington, DC, requested from the United States Citizenship Services (USCIS) the solicitation of statement of work under the GSA’s Networx Universal contract and the subsequent GAO bid protest B-404845.1. (Case Number CNT2011000019).
- On April 7, 2011, **Robin Stein**, a reporter with *Dan Rather Reports* in New York, New York, requested from the United States Citizenship Services (USCIS) the following records: 1) case data for non-immigrant worker visa petitions from 2005 – present; 2) application data for employment authorization from 2005 – present; and 3) any and all records related to the review of L visa abuse by the Fraud Detection and National Security directorate cited by Senator Chuck Grassley (R-IA) in his letter to DHS Secretary Napolitano on May 27, 2010. (Case Number COW2011000332).
- On April 11, 2011, **Meg Stalcup**, a reporter with the *Washington Monthly* in Washington, DC, requested from the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. (Case Number CRCL 11-04-01).
- On April 12, 2011, **Mike McIntire**, a reporter with the *New York Times* in Washington, D.C., requested from the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) copies of any records as they pertain to a 2005 Federal Law Enforcement

Training Center (FLETC) EEO course investigation. (Case Number CRCL 11-04-02).

- On April 13, 2011, **Shawn Hills**, a researcher with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) all correspondence and other information requested by or provided to U.S. Representative Dean Heller (R-NV-2) from January 4, 2006 – Present. (Case Number COW2011000336).

III. FOIA Releases

- On April 22, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, a no records determination to her request seeking any documents/records/memos/reports, etc to or from David C. Palmatier regarding staffing, resources and/or technical (including IT) issues for ICE's Law Enforcement Support Center (LESC) from October 1, 2008. (Case Number 2011FOIA5842).
- On April 22, 2011, the United States Coast Guard (USCG) released to **Lucy Dalglish**, Executive Director with the **Reporters Committee for Freedom of the Press** in Arlington, Virginia, 63 pages of material consisting of emails, letters, rules, and memos responsive to her request seeking: 1) all documents reflecting and/or memorializing the new procedures for media access to boom safety zones established by Admiral Thad Allen's July 12, 2010 statement; 2) all documents detailing procedures and/or standards employed by government or private officials for media credentialing under the new procedures for access to boom safety areas announced by Admiral Thad Allen on July 12, 2010; 3) all documents received and/or generated regarding applications to receive a media credential under as well as all documents generated in response to all such applications, including but not limited to, documents detailing denials or grants of applications; and 4) a complete and accurate sample copy of all versions of any media credential intended to be issued to the media in accordance with the revised media access policy announced July 12, 2010. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2827).
- On April 26, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **David Shapiro**, a staff attorney with the **American Civil Liberties Union (ACLU) National Prison Project** in Washington, DC, 113 pages of documents that originated from the OPR JICMS database relating to his request seeking records regarding allegations of sexual abuse against immigration detainees. Portions of the release were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). ICE continues to process documents and will release records on a rolling basis. (Case Number 2011FOIA4893).
- On April 28, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jennifer Caballero**, a student with the **Georgetown**

University Law Center in Washington, DC, 349 pages of records pertaining to her request seeking various information relating to ICE detainees. Portions of the release were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2011FOIA1816).

- On April 28, 2011, the Office of Inspector General (OIG) released to **Tania Galloni**, an attorney with the **Florida Immigrant Advocacy Center, Inc.**, in Miami, Florida, 26 pages and includes an OIG report of investigation. Portions of the release were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). Please note that these records were also originally released in OIG's response to David Shapiro, of the ACLU (OIG FOIA #2010-028).
- On April 28, 2011, Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 2 Excel worksheets responsive to his request seeking a statistical breakdown, by FY, state, and agency of all criminal investigations related to U.S. Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) from 2003 to present, including a breakdown of investigations leading to arrests, indictments, and convictions. These records were released in full. (Case Number 2011-100).
- On April 29, 2011, the Department of Homeland Security (DHS) Office for Civil Rights & Civil Liberties (CRCL) released to **Mike McIntire**, a writer with *The New York Times* in New York, New York, 54 pages of records responsive to his request seeking copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number CRCL 11-04-002).
- On April 29, 2011, the Department of Homeland Security (DHS) Office for Civil Rights & Civil Liberties (CRCL) released to **Meg Stalcup**, a writer with the *Washington Monthly* in Seattle, Washington, 54 pages of records responsive to her request seeking copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number CRCL 11-04-001).

IV. FOIA Appeals

- On April 7, 2011, **Karen Tumlin**, Managing Attorney with the **National Immigration Law Center** in Los Angeles, California, appealed the response from U.S. Customs and Border Protection (CBP) denying her requests for fee waiver, news media status, and expedited treatment related to her FOIA request # 2011F060200 for documents pertaining to CBP's efforts to question, fingerprint, and process undocumented immigrants

voluntarily leaving the United States and returning to Mexico. (Case Number H162138).

V. FOIA Appeal Releases and Determinations

- On April 28, 2011, U.S. Customs and Border Protection (CBP) released to **David Nachman**, an attorney with **DLA Piper** in New York, New York, representing the non-profit network Appleseed, 111 pages of policy documents related to his FOIA request #2010F06198 for various records related to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. Portions of this response were withheld pursuant to Freedom of Information Act exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number H145088MBP).
- On April 29, 2011, U.S. Customs and Border Protection (CBP) granted **Robert Deasy**, Liaison and Information Director for the **American Immigration Lawyers Association** in Washington, DC, a public interest fee waiver for the request related to his request for various statistics pertaining to the processing of individuals at the U.S. border. (Case Number H157732MBP).

VI. Lawsuits

- In the matter of *Rodriguez v. DOJ, et al.*, (D.D.C. 11-cv-00556), Plaintiff filed a complaint March 18, 2011, claiming constructive denial pertaining to their request for records relating to relating to himself. ICE did not receive the summons and complaint until April 26, 2011.

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 29 – May 5, 2011

Privacy Office

May 9, 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 April 28, 2011, United States Citizenship and Immigration Services (USCIS), Office of Public Engagement, hosted a teleconference to discuss the evidentiary standards of the “O” nonimmigrant classification. USCIS used this opportunity to solicit stakeholder feedback on the evaluation of evidence submitted with Form I-129, Petition for Nonimmigrant Worker, when filed on behalf of O-1 nonimmigrants, as well as the adjudicatory standards for these petitions within the current regulatory framework. USCIS sought this input to consider when drafting a policy memorandum on this subject. The draft memo is designed to ensure consistency in adjudication of petitions filed under the O-1 classification and to clarify the adjudication standards for these petitions. A detailed executive summary is forthcoming.
- On April 30, 2011, United States Citizenship and Immigration Services (USCIS), Office of Public Engagement, invited customers and stakeholders to participate in “Enlace,” a free, Spanish-language event at which USCIS shared agency updates, presented on the topic of “How to Navigate U.S. Citizenship,” and provided an open forum to respond to questions. USCIS posted a PowerPoint presentation from the session on its public website.
- On May 2, 2011, United States Citizenship and Immigration Services (USCIS) announced that they have fully implemented the Secure Mail Initiative (SMI), which uses U.S. Postal Service (USPS) Priority Mail with delivery confirmation to transmit certain immigration documents safely, securely, and timely. The SMI enables USCIS to use USPS online-tracking information to confirm delivery of permanent resident cards and documents pertaining to travel and employment authorization. The same information allows USCIS customers to stay up-to-date on the delivery status of their documents.

II. **FOIA Requests**

- On April 29, 2011, **Andrew Becker**, a reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all monthly White House Dashboard Reports prepared by ICE, which generally include monthly numbers of ICE administrative and criminal arrests; 2) a list of the actual recipients of the dashboard report; and 3) a list of actual senders. (Case Number 2011FOIA7714).

- On May 4, 2011, **Andrew Becker**, a reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) copies of the following records: 1) the number of Department of Homeland Security (DHS) Form I-862, “Notice to Appear” charging documents, filed by CBP (including U.S. Border Patrol) with the Executive Office for Immigration Review (Immigration courts) for each fiscal year 2006 to date, with a nationwide breakdown by CBP OFO Field Office, Border Patrol Sector, and/or any other CBP offices; and 2) the number of DHS Form I-862 “Notice to Appear” charging documents and/or cases referred by CBP to U.S. Immigration and Customs Enforcement (ICE) for removal proceedings within the Executive Office for Immigration Review for fiscal years 2006 to present. (Case Number 2011F11113).
- On April 29, 2011, **Jared Dillingham**, a reporter with *KTVK – 3TV* in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: 1) a copy of personnel records of officers who have been terminated from the Yuma and Tucson sectors in Arizona between January 2007 – to the present; and 2) copies of the investigation material and final findings of their terminations. (Case Number 2011F10870).
- On April 29, 2011, **David Goldstein**, Washington correspondent with *The Kansas City Star/McClatchy Newspapers* in Washington, DC, requested from the Department of Homeland Security (DHS) the following documents in the possession of the Department of Homeland Security: 1) any and all correspondence, in the form of letters and emails, as well as memos or summaries related to meetings, discussions or telephone conversations, and any other written accounts regarding the selection of a site for a biodefense laboratory to replace the existing facility at Plum Island, N.Y., between Senator Charles Patrick “Pat” Roberts (R-LA), or his office, and officials of DHS between 2005 – 2009; and 2) any and all correspondence, in the form of letters and emails, as well as memos or summaries related to meetings, discussions or telephone conversations, and any other written accounts regarding the selection of a site for a biodefense laboratory to replace the existing facility at Plum Island, N.Y., between Senator Samuel Dale “Sam” Brownback (R-KS), or his office, and officials of DHS between 2005 – 2009. (Case Number 11-0772).
- On April 29, 2011, **Catherine Rentz**, a field producer with the **American University School of Communication’s Investigative Reporting Workshop and PBS FRONTLINE** partnership in Washington, DC, requested from the Department of Homeland Security (DHS) access to and copies of Dora B. Schriro’s calendar and appointments from January 1, 2009 to September 30, 2009. (Case Number 11-0773).
- On May 3, 2011, **Ben Fox**, Chief of Caribbean News with *The Associated Press* in Guaynabo, Puerto Rico, requested from U.S. Immigration and Customs Enforcement (ICE) any and all incident reports, logs or other records, sufficient to provide details about any and all discoveries or

seizures by security personnel of contraband, including marijuana, other narcotics or weapons, at the Guantanamo Bay Naval Station between January 1, 2002 and October 31, 2010. (Case Number 2011FOIA7924).

- On May 3, 2011, **Matthew Kownacki**, a researcher with **Judicial Watch, Inc.**, in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the number of illegal immigrants transferred from a state or local jurisdiction into ICE custody; 2) the number of illegal immigrants deported by ICE after taking over custody from a state or local jurisdiction; and 3) the number of illegal immigrants released by ICE after taking over custody from a state or local jurisdiction. The time frame of the request is January 1, 2008 to April 26, 2011. (Case Number 2011FOIA7897).
- On May 3, 2011, **Susan Long**, Co-Director of **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 Alien Criminal Response Information Management (ACRIME) System. (Case Number 2011FOIA7907).
- On May 4, 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 the request letter, final response letter, and the actual records released in the following FOIA cases: 1) 2011FOIA-0001; 2) 2011FOIA-5621; and 3) 2011-FOIA-6688. (Case Number 2011FOIA7911).
- On May 3, 2011, **Joseph Rosenbloom**, a freelance reporter in Newton, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) all documents related to complaints since January 1, 2010 about medical or other health services rendered at detention centers within the ICE jurisdiction of the Boston, El Paso, and New Orleans field offices. (Case Number 2011FOIA7895).
- On May 3, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) all documents pertaining to the processing of his FOIA request for Barack Obama Senior's A-file, assigned the tracking number HQS2010000119. The documents are to include all internal and external communication concerning his request, all reports of significant FOIA activity, which mention the request from each Department of Homeland Security (DHS) component FOIA offices, all Department of Homeland Security (DHS) cabinet reports to the White House, which mentions the request and any other record created in processing the FOIA request. (Case Number USCIS Smathers).
- On April 28, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all records concerning the processing of the FOIA request which was assigned the tracking number HQS2010000119, including, but not limited to: 1) all internal and external communication concerning this request; 2) all reports of significant FOIA activity which mention this

request; 3) all DHS cabinet reports to the White House which mention this request; and 4) any other record created in processing FOIA request HQS2010000119. (Case Number 11-0765).

- On April 28, 2011, **Jason Smathers**, a blogger with **MuckRock** 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 April of 2011 to include the responsive records for each DHS component. (Case Number 11-0763).
- On April 28, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all weekly cabinet reports to the White House created from April 12, 2011, through the date this request is processed. (Case Number 11-0764).
- On May 3, 2011, the Department of Justice (DOJ), Office of Information Policy, referred to the Department of Homeland Security (DHS) a third and fourth set of documents responsive to a request from **David Sobel**, Senior Counsel with **Electronic Frontier (EFF)** in Washington, DC, seeking records that concern, discuss, or reflect the work or deliberations of the HLCG, excluding any logistical information. (Case Numbers 11-0778 and 11-0779).
- On May 4, 2011, **Phillip Rawls**, a reporter with *The Associated Press* in Montgomery, Alabama, requested from the Federal Emergency Management Agency (FEMA) all emails, faxes, meeting notes and a list of meeting participants, internal reports and status documents pertaining to preparations for and response to tornadoes that hit southern states around April 27-28, 2011. (Case Number 11-493).
- On May 4, 2011, **Ray Henry**, a reporter with *The Associated Press* in Atlanta, Georgia, requested from the Federal Emergency Management Agency (FEMA) all emails, faxes, meeting notes and a list of meeting participants, internal reports and status documents related to the impact of severe weather that struck the southeastern United States after April 15, 2011 on nuclear power plants. (Case Number 11-500).
- On May 5, 2011, the Department of the Navy referred to the United States Coast Guard (USCG) a request from **Claudette Juska**, a research specialist with **Greenpeace** in Washington, DC, seeking all documents concerning details of any and all U.S. Navy flights for whale and dolphin sightings in the Gulf of Mexico region following the BP Deepwater Horizon disaster. (Case Number 2011FOIA2356).
- On May 5, 2011, **Josh Margolin**, a reporter with **The New York Post** in New York, New York, requested from the Department of Homeland Security (DHS) any and all records in all printed and electronic formats concerning Osama Bin Laden (March 10, 1957-May 2, 2011), his life, his role in Al Qaeda, and the operation that led to his death. (Case Number 11-0785).

III. FOIA Releases

- On April 8, 2011, the United States Coast Guard (USCG) issued to **Gary Kubota**, a reporter with the *Honolulu Star-Advertiser* in Honolulu, Hawaii, a no records determination in response to his request seeking a copy of the USCG investigation report into a plane crash that occurred on February 15, 2011, in Hanapepe, Hawaii, that involved an Airborne WindSport Edge XT-912-L, registration N29EP. (Case Number 2011FOIA2132).
- On April 28, 2011, United States Citizenship and Immigration Services (USCIS) released to **Laurence Jarvik**, a journalist in Washington, DC, 1,535 pages pertaining to his request for Department of Homeland Security (DHS) policies and procedures that authorized persons accused of terrorism by the Government of Uzbekistan, to immigrate, reside/relocate within the United States, after the 2005 uprising in Andijan, Uzbekistan. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number NRC2009074526).
- On May 2, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-Director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 186 pages responsive to her request for “augmented” FOIA logs on interim and final responses issued between March 1 and March 15, 2011. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA6926).
- On May 3, 2011, United States Citizenship and Immigration Services (USCIS) released to _____ a self-proclaimed journalist in _____ 106 pages pertaining to his FOIA request for the administrative tracking files, request letters, and response letters for Freedom of Information Act requests relating to “Attack on America.” Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number NRC2010000520).
- On May 4, 2011, the Office of Inspector General (OIG) released to **Michel Marizco**, a field correspondent with **KJZZ Arizona Public Radio** in Tucson, Arizona, two pages responsive to his request seeking the number of corruption investigations involving U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) employees opened by OIG in California, Arizona, New Mexico, Nevada and Texas during calendar years 2008 - 2010. These records were released in full. (Case Number OIG FOIA #2011-105).
- On May 4, 2011, United States Citizenship and Immigration Services (USCIS) issued to **Aliya Sternstein**, Senior Correspondent with *Government Executive* magazine, in Washington, DC, a no records determination pertaining to her request seeking records relating to an April 2009 SIR referencing “rogue” information technology system that handled I-918 forms at the Vermont Service Center. (Case DHS/OS/PRIV 11-0602 and USCIS case COW2011000276).

- On May 5, 2011, the United States Coast Guard (USCG) released to **Matthew Brown**, a correspondent with *The Associated Press* in Billings, Montana, an Excel spreadsheet listing National Response Center (NRC) incident reports. These records were released in full. (Case Number 2011FOIA2184).
- On May 5, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Maria Sacchetti**, a staff writer with *The Boston Globe* in Boston, Massachusetts, a GLOMAR response regarding the January 11, 2010, seizure of \$60,000 total from (b) (6) Logan International Airport in Boston. (Case Number 2011FOIA7993).
- On May 5, 2011, the Department of Homeland Security (DHS) released to **David Sobel**, Senior Counsel with **Electronic Frontier (EFF)** in Washington, DC, 25 pages responsive to his request seeking records created since January 20, 2009, concerning, discussing, or reflecting the work or deliberations of the HLCG, excluding any logistical information. The case is currently in litigation and DOJ's Criminal Division had referred the records to DHS. (Case Number DHS/OS/PRIV 11-0161).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Families for Freedom v. ICE*, (S.D.N.Y. 10-8354), U.S. Immigration and Customs Enforcement (ICE) has completed processing a spreadsheet containing anonymous data on every alien detained in the New York "area of responsibility" from 2004 through 2010. This spreadsheet was provided to the plaintiffs in accordance with a settlement agreement on Friday, April 29, 2011. The Court signed the stipulated settlement agreement on April 29, 2011 as well.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), (Secure Communities Case): ICE provided the first set of I-213 narratives to the plaintiffs on Friday, April 29, 2011. Four additional batches have been processed and are pending OPLA review. These batches are due to the plaintiffs on May 13, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 6 – 12, 2011
Privacy Office
May 16, 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 May 2, 2011, the United States Citizenship and Immigration Services (USCIS), National Benefits Center, engaged with its national stakeholders to provide an overview of the center's history, leadership, mission, and caseload. The PowerPoint presentation from the session, now posted on the USCIS public website, also contains key contact information.
- On May 2, 2011, the United States Citizenship and Immigration Services (USCIS) posted the interim memorandum entitled "Additional Guidance to the Field on Giving Deference to Prior Determinations of H-1B Cap Exemption Based on Affiliation" on its public website for review and comment. This memorandum provides interim guidance to give deference to prior H-1B cap exemption determinations for non-profit entities made by USCIS since June 6, 2006. USCIS is currently reviewing its overall policy on this topic. Until further guidance is issued, it will apply the procedures the memo to petitions filed by non-profit entities seeking an exemption from the statutory cap based on their affiliation with or relation to an institution of higher education. The opportunity for public comment closes May 16, 2011.
- On Monday, May 9, 2011, the U. S. Secret Service (USSS) launched an official Twitter page in an effort to promote transparency, proactively distribute information, and supplement ongoing efforts to educate the general public about its mission. . The Twitter account will be used to highlight the Secret Service's investigative mission, share press releases, distribute information to local communities hosting National Special Security Events, explore USSS history, and promote upcoming recruitment opportunities.

II. FOIA Requests

- On May 5, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) records pertaining to all threats against Davis Dam or Parker Dam on the Colorado River. Davis Dam creates Mohave Lake in Arizona/Nevada, while Parker Dam creates Lake Parker in Arizona/California. (Case Number DHS/OS/PRIV 11-0791).
- On May 5, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all records concerning the processing of FOIA requests with tracking numbers: 1) HQS2011000019; 2) COW2011000149; 3) HQS2011000020; 4) NRC2011027655; 5) COW2011000187; 6) NRC2010011566; 7)

NRC22010019586; 8) NRC2009041663; 9) NRC2009041959; 10) NRC2009047248; and 11) NRC2009051177. These records should include but not be limited to: 1) all internal and external communication concerning this request; 2) all reports of significant FOIA activity which mention this request; 3) all DHS cabinet reports to the White House that mention this request; 4) any other record created in processing FOIA request HQS2010000119 (USCIS); 5) the initial requests; 6) any released documents; and 7) any other communication with the requester. Please search the records created due to requirements for each DHS component FOIA office to report such activity by the 2/9/2005 Chief Privacy Officer Memo. (Case Number DHS/OS/PRIV 11-0792).

- On May 6, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Maryland, requested from the United States Citizenship and Immigration Services (USCIS) all records concerning the processing of Freedom of Information Act (FOIA) requests HQS2011000019, COW2011000149, HQS2011100020, NRC2011027655, COW2011000187, NRC2010011566, NRC2010019586, NRC2009041663, NRC2009041959, NRC2009047248 and NRC2009051177. Records requested are to include all internal and external communication, all reports of significant FOIA activity, which mentions this request, all Department of Homeland Security (DHS) cabinet reports to the White House, the initial FOIA requests, and any released documents and any other communication with the requester. (Case Number Smathers May 5).
- On May 11, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all memoranda sent from the Chief Privacy Officer to DHS staff working with FOIA requests, specifically seeking records to those created on or after January 20, 2009. (DHS/OS/PRIV 11-0810).
- On May 11, 2011, **Phillip Mocek**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) copies of the contract security guard duty register for the Henry M. Jackson Federal Building in Seattle, Washington, for April and May of 2011, along with any associated metadata. (DHS/OS/PRIV 11-0811).
- On May 6, 2011, **Matthew Kownacki**, a researcher with **Judicial Watch, Inc.**, in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all records establishing or promulgating the mission of the Victim Assistance Program (VAP); 2) any and all records authorizing or illustrating VAP's organizational structure; 3) any and all SF-50's for ICE's 18 full-time VAP specialists; 4) any and all records communicating or explaining collateral duties with respect to VAP recently delegated to 250 already-employed agents of ICE; 5) any and all records instituting or indicating VAP's performance measure; 6) any and all records outlining or employing VAP performance reporting procedures; 7) any and all staff directories for VAP personnel; 8) any and all records setting forth VAP's budget for operations and administration, including those categorized according to function, geographical area, or other subdivision; 9) any and all records setting forth guidelines, policies, protocols, or procedures regarding interaction with VAP applications or anymore in the general public; and 10) all records setting forth guidelines, policies,

protocols, or procedures, including memoranda of understanding regarding interaction with VAP partners, such as law enforcement agencies, advocacy groups, community organizations, or other “stakeholders.” (Case Number 2011FOIA8290).

- On May 6, 2011, **Susan Long, Co-Director** with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) augmented FOIA logs on interim/final responses issued from April 1, 2011 through April 30, 2011. (Case Number 2011FOIA8186).
- On May 11, 2011, **Susan Long, Co-Director** with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the request letters, final response letters, and actual records released in the following three FOIA cases: 1) 2011FOIA0001; 2) 2011FOIA5621; and 3) 2011FOIA6688. (Case Number 2011FOIA8479).
- On May 8, 2011, **Mike Mekelburg**, a reporter with *Ajo Copper News*, in Ajo, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: 1) the CBP Housing Program Feasibility Study (2009); and 2) the CBP Market Survey of Housing for the Area of Ajo and Why, Arizona (May 2010). (Case Number CBP FOIA # 2011F11457).
- On May 9, 2011, **Jeff Marcu**, an investigative reporter with *First Coast News* in Jacksonville, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) a complete list of companies fined on final order by ICE and the amount of the fines. (Case Number 2011FOIA8346).
- On May 9, 2011, **Mac Metcalfe**, a freelance journalist with the *Juneau Empire*, in Juneau, Alaska, requested from the United States Coast Guard (USCG) records from any investigations conducted over the course of 1962 through 1964 by a joint task force consisting of the Juneau State Police Department, the Federal Bureau of Investigation (FBI), the Alaska State Troopers and the USCG into men living in Juneau who were suspected of being homosexual. (Case Number 2011FOIA2400).
- On May 10, 2011, the Department of Transportation (DOT) referred to the United States Coast Guard (USCG) a request from Todd Spangler, the Washington Correspondent for the *Detroit Free Press* in Detroit, Michigan, seeking additional information into the environmental clearance and the permit review for the Ambassador Bridge Enhancement Project. (Case Number 2011FOIA2407).
- On May 10, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from the Federal Law Enforcement Training Center (FLETC) all agency records and/or training materials created from January 1, 2008, to the present concerning the Cellebrite data extraction tools used in the Mobile Device Investigations Program to include: 1) all training manuals, presentations, video, or any other records provided to participants at the MDIP, or any similar DHS training programs; 2) the attendance list of law enforcement agencies, departments, or their representatives receiving training at MDIP, or any similar DHS training programs; 3) all records describing the capabilities, limitations, or potential uses

of the Cellebrite system, or any other system or software used for electronic data extraction; 4) a list of the “industry standard tools and software’s provided to participants of the MDIP, or any similar DHS training programs; 5) any records describing or discussing the legal requirements necessary to extract data from an electronic device when using any of the “industry standard tools and software” provided during the MDIP, or any similar DHS training programs; and 6) any records related to the subsidization or provision of Cellebrite systems, or any other system or software used for electronic data extraction, to any other law enforcement agencies. (Case Number FOIA 11-074).

- On May 10, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from U.S. Customs and Border Protection (CBP) information regarding an awarded contract to Cellebrite, a manufacturer of data extraction systems to include: 1) all records describing the frequency with which CBP utilizes Cellebrite, or any similar technology, to perform data extraction on mobile or other electronic devices; 2) all manuals, guides, or directives setting forth guidelines for the appropriate use of Cellebrite, or any other similar data extraction technology; 3) all records describing the capabilities, limitations, or potential uses of the Cellebrite system, or any other similar data extraction technology; 4) all records related to the use of the Bluetooth or infrared connectivity of the Cellebrite system, or any other similar data extraction technology, to extract data from mobile or other electronic devices; and 5) any records describing or discussing the legal requirements necessary to extract data from an electronic device when using the Cellebrite system, or any other similar data extraction technology. (Case Number CBP FOIA # 2011F11327).
- On May 10, 2011, **Meg Jones**, a reporter with the ***Milwaukee Journal Sentinel*** in Milwaukee, Wisconsin, requested from U.S. Immigration and Customs Enforcement (ICE) the final report submitted by U.S. Customs Service Milwaukee special agent in charge (b)(6), (b)(7)(C) on the discovery of the remains of two Romanian stowaways found in a shipping container at Menards in Eau Claire, Wisconsin on September 6, 2001. (Case Number 2011FOIA8398).
- On May 10, 2011, **William Theobald**, the Washington Correspondent with the ***Gannett Co., Inc.***, in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all correspondence, including letters and transcripts or summaries of telephone calls, in addition to any email or other electronic communications from the following: 1) Representative Jim Cooper (D - TN); 2) Representative Marsha Blackburn (R - TN); 3) U.S. Senator Robert Phillips “Bob” Corker, Jr., (R-TN); U.S. Senator Lamar Alexander (R-TN); 4) Representative Stephen Fincher (R-TN); and 5) Representative Diane Black (R-TN). (Case Number DHS/OS/PRIV 11-0800).

Late Requests

- On May 4, 2011, **Andrew Becker**, a reporter with the ***Center for Investigative Reporting*** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) all studies of immigration enforcement surges, including any

and all prepared by and/or for the fugitive operation division in FY 2010 to present. (Case Number 2011FOIA8185).

- On April 25, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) documents regarding ICE's Lexicon Working Group from February 2009 to the present. (Case Number 2011FOIA8471).

III. FOIA Releases

- On May 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released 204 pages of augmented FOIA logs to **Susan Long, Co-Director** of the *Transactional Records Access Clearinghouse (TRAC)* in Syracuse, New York. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA7222).
- On May 10, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, a Glomar response to his request seeking all emails and/or correspondence leading up to and/or resulting from the March 2011 termination of an ICE contractor and the regional coordinator of ICE's Secure Communities program. (Case Number 2011FOIA8182).
- On May 10, 2011, the Department of Homeland Security (DHS) released to **Peter Urban**, a reporter with the *Stephens Media* in Washington, DC, 17 pages of records responsive to his request seeking congressional correspondence logs from within the Executive Correspondence Tracking System (ECT) for Harry Reid (D-NV) between November 1, 2008 and October 27, 2010. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0116).
- On May 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, two Excel spreadsheets responsive to her request seeking records related to the Secure Communities Program Management Office projections of the criminal alien population. These records were released in full. (Case Number 2011FOIA5829).
- On May 11, 2011, the Department of Homeland Security (DHS) released to **Jessica Culpepper**, a staff attorney with the **Humane Society of the United States** in Washington, DC, seven pages responsive to her request consisting of emails related to the implementation of the "Farm Bill" as codified at 7 U.S.C. § 2148 in the Animal Welfare Act (AWA) on May 22, 2008. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0650).
- On May 11, 2011, the Department of Homeland Security (DHS) released to **Lucy Dalglish**, a reporter with the *News Media & The Law* in Washington, DC, 137 pages of records responsive to her request seeking copies of the Weekly Significant FOIA Reports for January 2009 to the present. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0669).
- On May 11, 2011, the Transportation Security Administration (TSA) released to **Christopher Farrell**, a representative of **Judicial Watch, Inc.**, in Washington,

DC, six pages of material consisting of law enforcement reporting data back to Department of State. Portions of this response were withheld pursuant to FOIA Exemption (b)(5). (Case Number TSA Farrell May 10).

- On May 11, 2011, the Department of Homeland Security (DHS) released to the Department of State (DOS), six pages of records responsive to a request from **Ambassador Antonio O. Garza, Jr.**, Mexico City, Mexico, seeking information regarding weekly/monthly reports and news summaries from the following sections and agencies at the U.S. Embassy in Mexico City: Public Affairs Section, USAID, Economic Affairs/ESTH, and Political Affairs. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(7)E). (Case Number DHS/OS/PRIV 11-0628).
- On May 11, 2011, the Office of Inspector General (OIG) released to **Josh Margolin**, a reporter with *The New York Post*, 97 pages of documents responsive to the request. Portions of this interim response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number OIG Margolin May 10).
- On May 11, 2011, the Department of Homeland Security (DHS) released to **Robert O'Harrow**, a reporter with the *Washington Post* in Washington, DC, 214 pages of records responsive to his request related to the ASP development program and the DNDO communication with the Government Accountability Office (GAO). Portions of this interim response were withheld pursuant to FOIA exemptions (b)(4) and (b)(6). (Case Number DHS/OS/PRIV 10-0628).
- On May 12, 2011, the U.S. Coast Guard (USCG) released to **Jerri Smitko**, a representative of Smitko & Ory in Houma, Louisiana, 182 pages consisting of reports, charts, graphs, plans and emails regarding seepage at or within ten miles of proximity to the well-head of the Macondo well between 0100 hours on July 16, 2010 and the present. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(5). (Case Number 2010FOIA2958).
- On May 13, 2011, the Department of Homeland Security (DHS) released to the Department of State (DOS), 17 pages of records responsive to a request from **Ambassador Antonio O. Garza, Jr.**, Mexico City, Mexico, seeking information regarding weekly/monthly reports and news summaries from the following sections and agencies at the U.S. Embassy in Mexico City: Public Affairs Section, USAID, Economic Affairs/ESTH, and Political Affairs. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)E). (Case Number DHS/OS/PRIV 11-0566).
- On May 13, 2011, the Department of Homeland Security (DHS) released to **David Sobel**, Senior Counsel with **Electronic Frontier Foundation (EFF)** in Washington, DC, 170 pages of records responsive to his request seeking records created since January 20, 2009, that concern, discuss or reflect the work or deliberations of the HLCG, excluding any logistical information. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 11-0327).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

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), (Secure Communities Case): Plaintiff filed a complaint April 27, 2010, claiming constructive denial with regard to ICE FOIA 10-2674 and that ICE improperly denied their fee waiver and request for expedited processing. On May 9, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stokley Baksh** with **Deportation Nation** in Baltimore, Maryland, 14,117 pages responsive to their request.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 13 – May 20, 2011

Privacy Office

May 23, 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 May 12, 2011, United States Citizenship and Immigration Services (USCIS) invited stakeholders to participate in a teleconference regarding the interpretation of the term “specialized knowledge” and what standards and evidentiary requirements should be followed in determining eligibility for L-1B classification. (L-1B classification enables a U.S. employer to transfer a professional employee with specialized knowledge relating to the organization’s interests from one of its affiliated foreign offices to one of its offices in the United States). Specifically, USCIS sought feedback on how it should interpret the definition of specialized knowledge within the regulatory framework, as well as what relevant factors should be considered in making a determination whether a beneficiary possesses specialized knowledge as it relates to L-1B cases. A detailed executive summary will be available at a later time; the invitation and agenda are currently available from USCIS.
- On May 13, 2011, United States Citizenship and Immigration Services (USCIS) launched I-9 Central, a new online resource center focused on the most frequently accessed form on [USCIS.gov](http://uscis.gov): Form I-9, “Employee Eligibility Verification.” This free, easy-to-use website provides employers and employees simple one-click access to resources, tips, and guidance for properly completing the Form I-9 process.
- On May 16, 2011, United States Citizenship and Immigration Services (USCIS) announced that effective August 15, 2011 petitioners residing in countries without USCIS offices will be able to file a Form I-130, “Petition for an Alien Relative,” with the USCIS Chicago Lockbox facility. This will increase the efficiency of the relative petition filing process and give USCIS more flexibility in managing its workload. Petitioners residing in a country with a USCIS office have the option of sending their I-130 forms to the Chicago Lockbox, or they may file their I-130 forms at the international USCIS office having jurisdiction.

II. **FOIA Requests**

- On May 16, 2011, **Josh Margolin**, a reporter with *The New York Post* in New York, New York, requested from the Department of Homeland Security (DHS) records concerning the Securing the Cities (STC) Program in the New York City metropolitan area for the period January 1, 2010, through the present. (Case Number DHS/OS/PRIV 11-0822).
- On May 16, 2011, **Michael Masnick**, a blogger with *MuckRock* in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) any formal or informal licensing agreements between DHS and either the City of New York or NBC Universal regarding creation or dissemination of the promotional video “Antipiracy PSA,” published on March 22, 2011, at <http://youtube.com/watch?v=cs80bpx4844>. (Case Number DHS/OS/PRIV 11-0827).

- On May 16, 2011, **Stephanie Nielsen**, a researcher with the **Democratic Senatorial Campaign** Committee in Washington, DC, requested from the Department of Homeland Security (DHS) all communications between DHS and Vi-Jon Laboratories, Vi-Jon, Inc., Vi-Jon, Vi-Jon Laboratories, Inc., Vi-Jon Laboratories, LLC, Vi-Jon Printing & Packaging, Inc., Vi-Jon Services Company, LLC, Vi-Jon Transportation, LLC, VJCS Holdings, Inc., VJSC Acquisitions or John Brunner, including any representatives of the aforementioned entities. (Case Number DHS/OS/PRIV 11-0823).
- On May 16, 2011, **Brian Freskos**, a staff writer with **Wilmington StarNews** in Wilmington, North Carolina, requested from the United States Coast Guard (USCG) records related to the May 8, 2010 scuba diving accident off Carolina Beach, North Carolina, that left a 50-year-old woman dead (MISLE Case # 499610), including, but not limited to, the victim’s identity, age, origin, and cause of death. (Case Number 2011FOIA2474). On May 17, 2011, **Gregory Kauffman**, a researcher with the **Pennsylvania Democratic Party** in Philadelphia, Pennsylvania, requested from the Department of Homeland Security (DHS), the Office of General Counsel (OGC), the Office of Civil Rights and Civil Liberties (CRCL), and the Federal Law Enforcement Training Center (FLETC) involving correspondence and other information requested by or provided State Senator Jacob “Jake” Corman of Pennsylvania and/or Mr. Corman’s representatives from November 3, 1998, through May 17, 2011 (Case Number DHS/OS/PRIV 11-0836, OGC request, Initial request, 11-080).
- On May 17, 2011, **Sean Reilly**, a staff writer with the **Federal Times** in Springfield, Virginia, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) itemized supporting data used to compile the number of convictions and total amount of fines, restitution, administrative cost savings, and recoveries listed on page i of OIG report #10-88, and page 2 of OIG report #11-72, both entitled *Special Report: Summary of Significant Investigations*. (Case Number OIG FOIA #2011-122, #2011-123).
- On May 18, 2011, **Jared S. Hopkins**, a journalist with the **Chicago Tribune** in Chicago, Illinois, requested from the United States Coast Guard (USCG) copies of all complaints filed since 2008 pertaining to water taxis, tour boats and similar commercial vessels that board and load passengers in Chicago, as well as any rulings or dispositions that resulted from the complaints or any investigations. (Case Number 2011FOIA2499).
- On May 18, 2011, **Michael Grabell**, a staff writer with **ProPublica** in New York, New York, requested from the Department of Homeland Security (DHS) copies of all communications, including memos and email, between Rapiscan Systems or OSI Systems and DHS Headquarters or

the Transportation Security lab regarding testing of the backscatter X-ray machines and the release of those tests to the public. (Case Number 11-0835).

Late Requests

- On April 25 2011, **Rolo Duarte**, General Manager at **Univision Online** in Raleigh-Durham, North Carolina, requested from United States Citizenship and Immigration Service (USCIS) documents pertaining to the detention of (b) (6) a citizen of Venezuela and resident of Wake County, North Carolina; specifically seeking: 1) documentation of his transfer to U.S. Immigration and Customs Enforcement (ICE) custody; 2) documentation of his release by ICE; and 3) grounds for his release by ICE. (Case Number NRC2011052201).
- On May 9, 2011, **John Hudak**, an individual in Nashville, Tennessee, requested from the Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA), the United States Coast Guard (USCG), U.S. Customs and Immigration Enforcement (ICE), and the Federal Law Enforcement Training Center (FLETC) a list of FOIA requests from 2010 about which a political appointee (persons appointed under Schedule C, a non-career member of the SES, or Senate-confirmed appointee) personally made an inquiry, personally reviewed, or personally had a hand in the disposition of the request. (Case Number DHS/OS/PRIV 11-0838, 11-549, USCG Hudak Request, 11-8921, 11-076).
- On May 10, 2011, **David Perera**, a reporter with *FierceGovernmentIT* in Washington, DC, requested from U.S. Customs and Border Protection (CBP) access to and copies of the Secure Border Initiative Fiscal Year 2011 Expenditure Plan in electronic format. (Case Number CBP FOIA #2011F11828).
- On May 12, 2011, **Bob Mackin**, an individual in North Vancouver, British Columbia, requested from the Department of Homeland Security (DHS) the following records: 1) a copy of the daily situation reports for the period of February 4, 2010; and 2) the after-action review or like report for the 2010 Winter Olympics Social Media Event Monitoring Initiative. (Case Number DHS/OS/PRIV 11-0828).
- On May 12, 2011, **Bob Mackin**, an individual in North Vancouver, British Columbia, requested from the Department of Homeland Security (DHS) a copy of the 2010 Olympics Joint Threat Assessment released January 22, 2010, and the related after-action review or like report. (Case Number DHS/OS/PRIV 11-0829).

III. FOIA Releases

- On May 3, 2011, U.S. Customs and Immigration Enforcement (ICE) released to **Thomas Watkins**, a reporter with *The Associated Press* in Los Angeles, California, 1,576 pages of records responsive to his request seeking the following: 1) any email, 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. Portions of this response were withheld pursuant to FOIA Exemption (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 10FOIA7909).

- On May 3, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Marcus Stern**, a reporter with *ProPublica* in New York, New York, 841 pages of records responsive to his request seeking copies 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 Wallacy Detention Center, including those that were and were not resolved in favor of the complainant. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA3803).
- On May 3, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Tegan Millspaw**, Program Manager, Investigations & Research with **Judicial Watch, Inc.**, in Washington, DC, 1,891 pages of records responsive to her request seeking the following records: 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 parole policy for arriving aliens with credible fear claims. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 10-1865).
- On May 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Veena Dubal**, Esquire, of the **National Security and Civil Rights Project, Asian Law Caucus**, in New York, New York, 1,131 pages responsive to their request seeking records held by ICE describing or concerning, Third Agency Checks (TAC), including but not limited to: 1) any and all policies and procedures mentioning or concerning "Third Agency Checks"; 2) any and all lists of "special interest countries" and "specially designated countries" from which immigration detainees have been 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." Portions of this response were withheld pursuant to FOIA Exemption (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case number 10-1691).
- On May 5, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Judy Rabinovitz**, Deputy Director of the **ACLU Immigrants' Rights Project** in New York, New York, 133 pages responsive to her request seeking the following: 1) all records detailing the specific actions U.S. Immigration

and Customs Enforcement (ICE) to comply with the five recommendations issued by DHS 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, including correspondence, detailing ICE's failure to implement any of the recommendations issued by DHS Office of Inspector General (OIG) in its 2007 report. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F). (Case Number 10-8937).

- On May 17, 2011, the Department of Homeland Security (DHS) released to **Shawn Hils**, a representative with the **Democratic Senatorial Campaign Committee**, 6 pages of logs from the Executive Secretariat's Electronic Correspondence Tracking System (ECT) relating to correspondence requested by or provided to U.S. Representative Dean Heller (NV-2) from January 4, 2006, to the present. Portions of this response are withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0739).
- On May 17, 2011, the Department of Homeland Security (DHS) released to **Jackie Barber**, Deputy Counsel of the **National Republican Congressional Committee** in Washington, DC, 13 pages of responsive records, consisting of a congressional correspondence log for U.S. Representative Steny Hoyer (D-MD). Portions of this release were withheld pursuant to Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0645).
- On May 18, 2010, the United States Coast Guard (USCG) issued a no records determination to **Pamela Tikellis**, an attorney with **Chimicles & Tikellis Law Office** in Wilmington, Delaware, for all responsive information and records relating to the meetings or communications between USCG and BP as well as a copy of the BP Exploration and Production Plan for the Deepwater Horizon. (Case Number 2010FOIA2477).
- On May 19, 2011, the United States Coast Guard (USCG) issued a no records response to **Henri Fourroux**, an individual from New Orleans, Louisiana, for all permits made for the use of all types of the dispersant COREXIT since July 17, 2010. (Case Number 2011-0752).
- On May 19, 2011, the United States Citizenship and Immigrations Service (USCIS) released to **Erin Siegal**, a journalist with the **Schuster Institute for Investigative Journalism**, in Waltham, Massachusetts, 15 pages of material consisting of correspondence from the former Immigration and Naturalization Service (INS). (Case Number NRC2010010449).
- On May 23, 2011, the United States Coast Guard (USCG) released to **Brian Freskos**, a staff writer with **Wilmington StarNews** in Wilmington, North Carolina, 130 pages of material consisting of investigation reports, photographs, emails, charts, and witness statements. These records were released in full. (Case Number 2011FOIA2474).

V. FOIA Appeals

- On May 5, 2011, **Eric Lipton**, a Washington, DC, correspondent with **The New York Times** in New York, New York, appealed the response from U.S. Customs and Border Protection (CBP) related to his request for a copy of the

Air Enforcement Strategy report and most recent CBP Northern Border Strategy document. (Case Number 2011F10377).

VI. FOIA Appeal Releases and Determinations

- On May 19, 2011, U.S. Customs and Border Protection (CBP) issued a moot determination to **Leon Howard**, a staff attorney with the **American Civil Liberties Union of New Mexico** in Albuquerque, New Mexico, pertaining to his fee waiver appeal related to his request for documents regarding the policy and activities of the El Paso Sector Border Patrol within 100 and 25 miles of the United States-Mexico Border. (Case Number H162235).
- On May 19, 2011, U.S. Customs and Border Protection (CBP) released to **Andrew Becker**, a staff reporter at the **Center for Investigative Reporting** in Berkeley, California, 11 pages responsive to his request seeking official photographs of 41 employees who had been arrested, charged, convicted, and/or sentence on corruption-related charges from 2003 to the present. Portions of this response were withheld pursuant to Exemption (b)(7). (Case Number CBP H162235).

VII. Lawsuits

- In the matter of *Judicial Watch, Inc., v. Department of Homeland Security (DHS)*, (11-cv-00804), Plaintiff filed a complaint April 29, 2011, claiming constructive denial pertaining to their request for any and all correspondence (including but not limited to email) between United States Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas and David Shahoulian from December 3, 2010, through February 3, 2011. The includes any email exchanged between Mayorkas and Shahoulian via their respective personal accounts where such personal email mentions or refers in any way to agency regulations or policy issues of any kind, including the planning or scheduling of meetings to discuss agency regulations or policy issues of any kind.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 20 – 26, 2011

Privacy Office

May 31, 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 May 19, 2011, United States Citizenship and Immigration Services (USCIS) posted on its public website the Secretary of the Department of Homeland Security (DHS) Janet Napolitano's announcement of the re-designation of Haiti for Temporary Protected Status (TPS) and extended the country's current TPS designation for 18 months or through January 22, 2013. USCIS strongly encourages Haitian nationals to review the instructions on how to file an initial application for TPS available at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=e54e60f64f336210VgnVCM100000082ca60aRCRD&vgnnextchannel=e54e60f64f336210VgnVCM100000082ca60aRCRD>. Individuals who currently do not have TPS or an application for TPS pending may begin filing for this status immediately and must file no later than November 15, 2011. Individuals who already have Haiti TPS must wait to file for re-registration until a notice describing the re-registration procedure is published in the *Federal Register*.
 - On May 19, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that it has proposed significant enhancements to the administration of the USCIS Immigrant Investor Program, commonly referred to as the EB-5 Program. The enhancements proposed would transform the intake and review process for immigrant investors consistent with the Obama Administration's continued commitment to improving the legal immigration system and meeting current economic and national security needs. First, USCIS has proposed accelerated processing of applications for job-creating projects that are fully developed and ready to be implemented; USCIS will also give these EB-5 applicants and petitioners the option to request "Premium Processing Service," which guarantees processing within 15 calendar days for an additional fee. Second, USCIS proposed the creation of new specialized intake teams with expertise in economic analysis and the EB-5 Program requirements. EB-5 Regional Center applicants will be able to communicate directly with the specialized intake teams via email to streamline the resolution of issues and quickly address questions or needs related to their applications. Third, USCIS proposes to convene an expert decision board to render decisions regarding EB-5 Regional Center applications. The Decision Board will be composed of an economist and adjudicators supported by legal counsel. This proposal will be available online for public comment until June 17, 2011, so stakeholders can offer feedback on the proposed changes.
- II. **FOIA Requests**
- On May 20, 2011, **Mac Metcalfe**, a journalist with the *Juneau Empire* in Juneau, Alaska, requested from the United States Coast Guard (USCG) copies of the must

- list/personnel diaries for USCG members stationed in Juneau, Alaska, from January 1963 through December 1964. (Case Number 2011FOIA2520).
- On May 20, 2011, **Dominick Yanchunas**, associate editor with the *Professional Mariner* magazine in Staten Island, New York, requested from the United States Coast Guard (USCG) information pertaining to the fatal capsizing of the *Richardson's Bay* on April 9, 2011 off San Francisco, California. (MISLE Case 543372) (Case Number 2011FOIA2546).
 - On May 20, 2011, **Robert P. Deasy**, director, Liaison and Information of the **American Immigration Lawyers Association (AILA)** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) copies of guidance, email, memoranda, instructions, and standard operating procedures issued by USCIS in 2010 and 2011 regarding the processing and/or adjudication of applications for adjustment of status (Form I-485) filed by or on the behalf of an individual who entered the United States on the Visa Waiver Program. (Case Number COW2011000403).
 - On May 21, 2011 **Robert P. Deasy**, director, Liaison and Information of the **American Immigration Lawyers Association (AILA)** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) a complete copy of the report of the review of the USCIS FOIA Information Processing System (FIPS) that the Department of Homeland Security (DHS) Chief Information Officer conducted on April 30, 2010. (Case Number COW2011000404).
 - On May 22, 2011, **Anita Lee**, a staff writer with the *Sun Herald* in Biloxi, Mississippi, requested from the United States Coast Guard (USCG) a copy of the accident or incident report about the May 18, 2011 incident involving the *Eurus London*, a cargo ship carrying Chiquita bananas, and a fishing vessel operated by Omega Protein. (Case Number 2011FOIA2542).
 - On May 23, 2011, **Gregory Kauffman** a researcher with the **Pennsylvania Democratic Party** in Philadelphia, Pennsylvania, requested from United States Citizenship and Immigration Services (USCIS) all records, correspondence, and other information requested by or provided to State Senator Jacob Corman (R-PA) and Mr. Corman's representatives between November 3, 1998 and May 17, 2011 (Case Number COW2011000409).
 - On May 23, 2011, **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) email or correspondence leading up to and resulting from the March 2011 termination of an identified ICE employee; and 2) any and all emails and correspondence to and from the former ICE employee and DHS and any other government agency after his March 2011 termination (Case Number 2011FOIA9048).
 - On May 24, 2011, **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, requested from the Department of Homeland Security (DHS) information about the assignment of an identified individual to the position of Senior Advisor at the Senior Executive Service (SES) level at United States Customs and Immigration Services (USCIS) in Spring 2009. (Case Number DHS/OS/PRIV 11-0851).

- On May 24, 2011, **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, requested from the Department of Homeland Security (DHS) information about the assignment of an individual to the position of Special Assistant at the Senior Executive Service (SES) level at United States Customs and Immigration Services (USCIS) in Spring 2009. (Case Number DHS/OS/PRIV 11-0852).
- On May 24, 2011, **Erin Jordan**, a reporter with the *Gazette* and **KCRG** (Source Media) in Cedar Rapids, Iowa, requested from the Department of Homeland Security (DHS) a list that includes the total dollar amount of DHS Readiness Grants that went to each state since September 11, 2001. (Case Number DHS/OS/PRIV 11-0857).
- On May 24, 2011, **John Cook**, a journalist with *Gawker Media* in Brooklyn, New York, requested from the Department of Homeland Security (DHS) all correspondence between Roger Ailes and Tom Ridge, and/or Michael Chertoff during their tenures as DHS Secretary. (Case Number DHS/OS/PRIV 11-0860).
- On May 24, 2011, **Kevin McKenzie**, a reporter for the (Memphis) *Commercial Appeal* in Memphis, Tennessee, requested from the Office of Inspector General (OIG) underlying documents pertaining to OIG audit report entitled, "City of Memphis, Tennessee" (DA-10-02). (Case Number OIG FOIA#2011-127).
- On May 25, 2011, **Steven Emerson**, President of **SAE Productions, Inc.**, in Washington, DC, requested from the Department of Homeland Security (DHS) copies of records related to any communications, meetings, and training sessions conducted or coordinated with the Muslim Public Affairs Council of Western New York (MPAC-WNY) and Dr. Khalid Qazi, MPAC-WNY president. (Case Number DHS/OS/PRIV 11-0858).
- On May 25, 2011, **Patricia Williams**, an individual in Metairie, Louisiana, requested from the United States Coast Guard (USCG) all air monitoring testing results for the *in situ* burning of the Deepwater Horizon Oil Spill in the Gulf of Mexico including all quantitative data, and the location and time of the air monitoring testing for each result. (Case Number 2011FOIA2583).
- On May 25, 2011, **Michael Bekesha**, an attorney with **Judicial Watch, Inc.**, in Washington, DC, requested from the U.S. Secret Service (USSS) all records of visitor/guest logs and/or other records of guests visits made to the White House Conference Center in Washington, DC, during February 2011. (Case Number 5-25-11 request).
- On May 25, 2011, **Damien Cave**, a correspondent with *The New York Times* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) all documents including but not limited to budget documents that outline the number of DHS employees posted to Mexico in 2008, 2009, 2010, and currently; 2) all Interagency Agreements for 2008, 2009, 2010, and 2011 between DHS and/or its components and their Mexican counterparts or any arm of the Mexican government; and 3) the 2008, 2009, 2010, and 2011 Letters of Agreement and Letters of Offer and Acceptance between American and Mexican Officials including those that explain the terms for training and equipment programs as part of the Merida Initiative. (Case Number 2011FOIA9087)
- On May 25, 2011, **Brenda Bove**, a representative of the **American Civil Liberties Union of Michigan** in Detroit, Michigan, requested from U.S. Immigration and

Customs Enforcement (ICE) the following records: 1) all records related to the ICE actions that took place on the afternoon and evening of February 23, 2011 at 43 Rose Street, Grand Rapids, MI, 49507 ("February 23rd Action"), including planning, execution, and post action activities; 2) all records related to the training of ICE personnel, including training manuals, guidance, and training schedules; 3) all records related to the supervision of ICE personnel; 4) all records regarding the operational structure of the Detroit ICE office; 5) job descriptions for: the ICE Director, the Executive Associate Director for Enforcement and Removal Operations, the Deputy Executive Associate Director, Enforcement and Removal Operations; the Acting Assistant Director, Enforcement, the Detroit Field Office Director and the Detroit Deputy Director, all ICE personnel located in Grand Rapids or present in Grand Rapids during the February 23rd Action; and 6) all ICE policies and protocols. (Case Number 2011FOIA9091).

- On May 25, 2011, **Jared Taylor**, a journalist with *The Monitor* in McAllen, Texas, requested from U.S. Customs and Border Protection (CBP) the following records: 1) copies of all documents, incident reports, email, names of agents involved, suspects, and case narratives pertaining to the fatal shooting involving CBP agents along the Rio Grande River near Hidalgo, Texas, on April 2, 2010; 2) copies of all memoranda, email, and correspondence addressed, sent, and copied to, or written by the CBP Rio Grande Valley Sector Chief pertaining to the fatal shooting involving CBP agents along the Rio Grande River near Hidalgo, Texas on April 2, 2010; 3) copies of all documents, incident reports, email, names of agents involved, suspects, and case narratives pertaining to shots fired by CBP ground and marine agents along the Rio Grande River near Mission, Texas, on September 11, 2010; and 4) copies of all memoranda, email, and correspondence addressed, sent, and copied to, or written by the U.S. Border Patrol Rio Grande Valley Sector Chief pertaining to shots fired by CBP ground and marine agents along the Rio Grande River near Mission, Texas, on September 11, 2010. (Case Number CBP FOIA #2011F12223).
- On May 26, 2011, **Bill Trotter**, a staff reporter with the *The Bangor Daily News* in Bangor, Maine, requested from the United States Coast Guard (USCG) a copy of the USCG Investigative Service final report on a fatal collision of two lobster fishing vessels that occurred on June 30, 2010, in Frenchman Bay off the town of Winter Harbor, Maine, which resulted in the drowning death of Winter Harbor resident Frank C. Jordan. (Case Number 2011FOIA2564).

Late Requests

- On May 9, 2011, **Steven Emerson**, President of **SAE Productions, Inc.**, in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records related to an identified individual. (Case Number CBP FOIA # 2011F11955).
- On May 12, 2011, **Jason Smathers**, a blogger with *MuckRock* in Somerville, Massachusetts, requested from the United States Secret Service (USSS) copies of all records of Twitter messages, which the USSS considers a threat against the President of the United States created on or after January 20, 2009. (Case Number 5-12-11 request).

- On May 18, 2011, **Aidan Monaghan**, an individual in Las Vegas, Nevada, requested from the United States Secret Service (USSS) records related to USSS protectee activity regarding events at the so-called “Bilderberg” conference at the Westfields Marriott in Chantilly, Virginia, on or about June 5, 2008 through June 8, 2008, including such records specifically regarding the activity of USSS protectees including then-Senators Hillary Clinton (D-NY) and Barack Obama (D-IL). (Case Number 5-18-11 Request).
- On May 19, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from the Department of Homeland Security (DHS) information related to the December 2009 summit on intellectual property (IP Summit), to include the following records: 1) any communications or correspondence between DHS officials or employees and entertainment industry executives, officials, representatives, or employees; 2) any communications or correspondence between DHS officials or employees and entertainment association executives, officials, representatives, or employees, including, but not limited to, executives, officials, representatives, or employees of the Motion Picture Association of America (MPAA) or the Recording Industry Association of America (RIAA); 3) any communications or correspondence between DHS officials or employees and officials or employees of other federal government agencies concerning the IP Summit; 4) any briefings, presentations, or other materials provided to participants of the IP Summit; and 5) any documents, briefings, or presentations created in relation to the IP Summit concerning strategy for the enforcement of intellectual property rights. (Case Number DHS/OS/PRIV 11-0845).

III. FOIA Releases

- On May 24, 2011, United States Customs and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, 1,161 pages of records pertaining to his request for copies of all documents and training material made available to USCIS employees or contractors concerning the policies and practices of processing FOIA requests. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(4), (b)(6), and (b)(7)(E) (Case Number COW201000212).
- On May 25, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Sarah Henkel**, representative of the **South Texas Civil Rights Project** in San Juan, Texas, nine pages of records related to her request seeking all ICE policies and procedures pertaining to the housing/detention of gays, lesbians, and transgendered persons as outlined in ICE’s national detention standards; and all policies and procedures pertaining to the housing/detention of gays, lesbians, and transgendered persons as specified in the contract between ICE and the Management and Training Corporation detention facility, Willacy County Detention Center, South Raymondville, Texas. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA7470).
- On May 25, 2011, United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal**, a journalist with **The Schuster Institute for Investigative Journalism** in Waltham, Massachusetts, 15 pages of records pertaining to

communications sent to and from Roy Hernandez and anyone else working at or with U.S. Immigration and Customs Enforcement (ICE) Guatemala City Country Office related to people being temporarily or permanently banned from involvement in the submission and processing of all new adoption cases with the Department of Homeland Security (DHS) and the United States Embassy in Guatemala. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number NRC2010010449).

- On May 26, 2011, the Department of Homeland Security (DHS) released to **Lucy Dalglish**, a reporter with *News Media & The Law* in Washington, DC, 116 pages of records responsive to her request for copies of the weekly significant FOIA reports for January 2009 to the present. Portions of this response were withheld pursuant to FOIA Exemption 6 (Case Number DHS/OS/PRIV 11-0669).
- On May 26, 2011, the Department of Homeland Security (DHS) released to **Gregory Korte**, a reporter with *USA Today* in Washington, DC, 20 pages of records responsive to his request for a DHS plan submitted to the Office of Management and Budget (OMB) pursuant to the June 10, 2010, presidential memo entitled “Disposing of Unneeded Real Estate. These records were release in full (DHS/OS/PRIV 11-0634).
- On May 27, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Andrew Becker**, a reporter with *The Center for Investigative Reporting* in Berkeley, California, a no records determination in response to his request seeking all studies of immigration enforcement surges, including any and all such studies prepared by and/or for the Fugitive Operations division, from Fiscal Year 2010 to the present (Case Number 2011FOIA8185).
- On May 27, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Andrew Becker**, a reporter with *The Center for Investigative Reporting* in Berkeley, California, a no records determination in response to his request relating to the number of I-862, “Notice to Appear” charging documents filed by ICE for each of the fiscal years from 2006 to date. (Case Number 2011FOIA8216).
- On May 27, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Tisha Thompson**, a reporter with **WTTG-TV Fox 5 News** in Washington, DC, eight pages of records related to the procurement of a coffee machine. Portions of this response were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 11-107).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *NLG v. DHS, USCIS, CBP, ICE, DOJ, DOS*, (11-CV-3235), Plaintiff filed a complaint May 12, 2011, claiming constructive denial pertaining to their

- request for records relating to the government's claims that it facilitates the return of individuals who prevail in their immigration cases from outside the United States.
- In the matter of *Judicial Watch v. DHS* (D.D.C. 11-CV-606), Plaintiff filed a complaint March 23, 2011, claiming constructive denial pertaining to their request for records relating to the following: 1) any and all records of communications between the Department of Homeland Security 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: The White House; The Executive Office of the President; 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." On May 26, 2011, the Department of Homeland Security (DHS) produced 736 pages and U.S. Immigration and Customs Enforcement (ICE) produced 479 pages of responsive records to the Plaintiffs.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 27 – June 2, 2011

Privacy Office

June 6, 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 May 20, 2011, United States Citizenship and Immigration Services (USCIS) discussed the process of registering for Temporary Protected Status under the re-designation as well as the process of re-registering under the extension. The teleconference invitation and meeting agenda are currently available on USCIS' public website.
- On May 25, 2011, United States Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas announced the launch of a federal initiative to raise awareness about the rights, responsibilities, and importance of U.S. citizenship. The new Citizenship Public Education and Awareness Initiative is designed to alert the public about the free citizenship education resources USCIS makes available to eligible lawful permanent residents and immigrant-serving organizations. USCIS will employ digital media, a video public service announcement, and print and radio messages in a variety of languages to raise awareness. The initiative will direct individuals to citizenship preparation materials and other training material available from the USCIS Citizenship Resource Center at www.uscis.gov/citizenship. In the first phase of a planned multi-year effort messages will run May 30, 2011, through September 5, 2011.
- On June 2, 2011, U.S. Immigration and Customs Enforcement (ICE) posted an updated version of the Secure Communities Nationwide Interoperability Statistics document to its FOIA library.

II. FOIA Requests

- On May 27, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) records created from January 1, 2008, to the present discussing, concerning, or reflecting ICE's strategy for seizing domain names as a means of combating online criminal activity. (Case Number 2011FOIA9132).
- On May 27, 2011, **Na Eng**, an Emmy Award-winning news and documentary producer with **NBC Universal** in Englewood Cliffs, New Jersey, requested from U.S. Immigration and Customs Enforcement (ICE) documents pertaining to meetings between officials from law firms and the Department of Homeland Security (DHS), ICE, and U.S. Customs and Border Protection (CBP) officials, as well as contracts between DHS and the Corrections Corporation of America (CCA) pertaining to the Eloy Detention Center in Eloy, Arizona. (Case number 2011FOIA9138).

- On May 27, 2011, **Tyler J. Francke**, a reporter with ***Branson Tri-Lakes News*** in Branson, Missouri, requested from the United States Coast Guard (USCG) the investigation report pertaining to the grounding of the Showboat *Branson Belle* on Table Rock Lake in Missouri on December 11, 2010. (Case Number 2011FOIA2623).
- On May 27, 2011, **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, requested from the United States Citizenship and Immigration Services (USCIS) information on all Standard Forms 86 (SF-86) submitted by a named individual in 2008 or 2009 contained in (but not limited to) page 1, blocks F “Date of Birth,” H “Position Code,” and I “Position Title,” and page 5, block 13A (only any description of an Employment Code, Position Title and the dates of this position(s) as an employee of United States Citizenship and Immigration Services (USCIS) or Department of Homeland Security (DHS). (Case Number Conklin Request).
- On May 31, 2011, **Vin Cannamela**, a feature producer with ***ESPN*** in Bristol, Connecticut, requested from the United States Coast Guard (USCG) the audio of the distress calls from a September 5, 2009 boating accident in Spring Lake, Michigan. (Case Number 2011FOIA2630).
- On May 31, 2011, **Ginnie Graham**, a reporter with the ***Tulsa World*** in Tulsa, Oklahoma, requested from U.S. Immigration and Customs Enforcement (ICE) a list of employers and businesses in Oklahoma that have been cited or otherwise sanctioned for violating the U.S. Immigration and Nationality Act since January 2005, including the type of each violation, any penalties and/or fines assessed, and the status of any appeals. (Case Number 2011FOIA9226).
- On June 1, 2011, **John Verdi**, Senior Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) agreements related to the Secure Communities Program concerning the transfer of personally identifiable information (PII) between ICE and any other entity; privacy policies related to Secure Communities; training materials; and policies and agreements concerning the transfer of PII between the Secure Communities Program and the Nationwide Suspicious Activity Reporting Initiative. (Case Number 2011FOIA9224).
- On June 1, 2011, **David Perera**, a journalist with the **Fierce Government Group** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) copies of the Arizona Border Technology Plan. (Case number 2011F12466).
- On June 1, 2011, **Gbemende Johnson**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) **and** the Federal Law Enforcement Training Center (FLETC) copies of resumes or materials otherwise justifying appropriate pay levels for Schedule C appointees for those appointed to Schedule C positions from August 15, 2009, to May 15, 2011; copies of the resumes or materials otherwise justifying appropriate pay levels for non-career Senior Executive Service employees of all those employed by the agency as non-career members of the Senior Executive Service from August 15, 2009, to May 15, 2011; and copies of the resumes of all persons employed as Senate-confirmed presidential appointments by the agency from August 15, 2009, to May 15, 2011. (Case Number DHS/OS/PRIV 11-0872 and 11-089).

- On June 1, 2011, **Gbemende Johnson**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) and the Federal Law Enforcement Training Center (FLETC) a list of all appointees, i.e., personnel appointed as a Senate-confirmed, non-career member of the Senior Executive Service, and Schedule C appointees, serving in the agency between January 20, 2011, and May 15, 2011, to include the title, dates of service, and appointment authority for each appointee (Senate-confirmed, non-career member of the Senior Executive Service, Schedule C appointee). (Case Number DHS/OS/PRIV 11-0873 and 11-090).
- On June 1, 2011, **Jennifer Selin**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) and the Federal Law Enforcement Training Center (FLETC) a list of reports that the agency made to Congress in 2010 that were mandated in statute and to whom they were sent, e.g., House/Senate committees, subcommittees; and, a list of the House and Senate committees and subcommittees that heard testimony from agency officials in 2010. (Case Number DHS/OS/PRIV 11-0875 and 11-091).
- On June 1, 2011, **Jennifer Selin**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) and the Federal Law Enforcement Training Center (FLETC) a copy of all written communications from the agency to the Speaker of the House, John Boehner (R-OH), or Chair of the House Committee on Oversight and Government Reform, Darrell Issa (R-CA), between January 3, 2011 and May 15, 2011. (Case Number DHS/OS/PRIV 11-0874 and 11-092).
- On June 1, 2011, **Randy Herschaft**, a reporter with *The Associated Press* in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests, response letters and responsive materials provided to the requester from January 1, 2007, to the present by the Office of the Secretary of Homeland Security in which former House Speaker Newt Gingrich (R), 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 are the subject of the requests or part of the subject of the requests. (Case Number DHS/OS/PRIV 11-0879).
- On June 1, 2011, **Randy Herschaft**, a reporter with *The Associated Press* in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests, response letters and responsive materials provided to the requester from January 1, 2006, to the present by the Office of the Secretary of Homeland Security in which Tim Pawlenty, former governor of Minnesota (R), Timothy Pawlenty, Children's HeartLink, Achieve, Inc., Wizmo Inc., Access Anywhere, or NewTel Holdings are the subject of the requests or part of the subject of the requests. (Case Number 11-0880).
- On June 1, 2011, **Randy Herschaft**, a reporter with *The Associated Press* in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests, response letters and responsive materials provided to the requester from January 1, 2006, to present by the Office of the Secretary of Homeland

Security in which in which Former Massachusetts Governor Willard Mitt Romney (R), Willard M. Romney, W. Mitt Romney, Mitt Romney, Bain Capital, Absolute Return Capital (ARC), Bain Capital Private Equity, Bain Capital (Europe) Limited; Bain & Co., Bain Capital Ventures, Brookside Capital, Sankaty Advisors, Marriott International, Inc., Tyler Charitable Foundation, or Ann D. and W. Mitt Romney Charitable Foundation are the subject of the requests or part of the subject the requests. (Case Number DHS/OS/PRIV 11-0881).

Late Requests

- On May 11, 2011, _____ an individual in _____ requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) a copy of Mohamed Atta's change of status request/application from a B2 "Visitor" visa to an M visa for foreign student pilot in 2000 or 2001; 2) a copy of forms I-94 (arrival/departure records), I-130 (petition for alien relative), I-131 (application for travel), I-129 (petition for non-immigrant worker), I-539 (application to extend/change nonimmigrant status), and I-20 (supporting information for the issuance of a student visa or change of status) that note school transfers, as well as the State Department application for Atta's B2/B-1 Visa; and 3) a copy of any applications Atta filed for schools and any and all passports issued to Atta, including a copy of applications for his Conch Republic Passport. (Case Number COW2011000435).
- On May 23, 2011, **Ned P. Rauche**, a reporter for *The Journal News* in White Plains, New York, requested from the United States Coast Guard (USCG) the investigation report of a drowning in Long Island Sound on July 25, 2010, regarding a boat operated by New York Sailing School in New Rochelle, New York. (Case Number 2011FOIA2640).
- On May 23, 2011, **Bede Sheppard**, a Senior Researcher with **Human Rights Watch** in New York City, New York, requested from the United States Citizenship and Immigration Services (USCIS) records concerning unaccompanied alien children from the People's Republic of China who are or were in immigration removal proceedings at any time for each FY 1999 to FY 2010, or for the most recent fiscal year data available. Specifically, Human Rights Watch requests the following for from FY 1999 to FY 2010: 1) records identifying the number of non-immigrants from the People's Republic of China within USCIS jurisdiction ordered to be voluntarily removed; 2) records identifying the number of unaccompanied alien children from the People's Republic of China within USCIS jurisdiction ordered to be voluntarily removed; 3) records identifying the number of T-1 nonimmigrant status (T-1 visa) applications received by USCIS and number of T visas granted by USCIS from FY 1999 to the present; 4) records identifying the number of T-1 visa applications received by USCIS and number of T-1 visas granted by USCIS each fiscal year to noncitizens from People's Republic of China, from FY 1999 to the present; 5) records identifying the number of T-1 visa applications received and the number of T-1 visas granted by USCIS each fiscal year to unaccompanied alien children from People's Republic of China from FY 1999 to the present; 6) records identifying the number of Special Immigrant Juvenile status applications received by

USCIS and number of Special Immigrant Juvenile status granted by USCIS from FY 1999 to the present, and disaggregated by state jurisdiction where a local juvenile court established jurisdiction through dependency; and 7) Records identifying the number of Special Immigrant Juvenile status applications received by USCIS and the number of Special Immigrant Juvenile status granted by USCIS each fiscal year to noncitizens from People's Republic of China, from FY 1999 to present, and disaggregated by state jurisdiction where a local juvenile court established jurisdiction through dependency. (Case Number COW2011000451).

- On May 26, 2011, **Steven A. Miller**, a reporter with *The New York Post* in New York City, New York, requested from the United States Citizenship and Immigration Services (USCIS) copies of all correspondence, including letters and email, sent or received from January 1, 2008, to May 15, 2011, between bureau offices and any of the following members of Congress: Senator Charles Schumer (D-NY), Senator Kirsten Gillibrand (D-NY), Representative Gary Ackerman (D-NY), Representative Tim Bishop (D-NY), Representative Yvette Clarke (D-NY), Representative Joseph Crowley (D-NY, 7th), Representative Eliot Engel (D-NY), Representative Steve Israel (D-NY), Representative Pete King (R-NY), Representative Nita Lowey (D-NY), Representative Carolyn Maloney (D-NY), Representative Carolyn McCarthy (D-NY), Representative Gregory Meeks (D-NY), Representative Jerrold Nadler (D-NY), Representative Charles Rangel (D-NY), Representative Jose Serrano (D-NY), Representative Edolphus Towns (D-NY), Representative Nydia Velazquez (D-NY), and Representative Anthony Weiner (D-N). (Case Number COW2011000430).
- On May 26, 2011, **Steven Emerson**, President of **SAE Productions, Inc.**, in Washington, DC, requested from U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) copies of all records and documents related to any communication, meetings and training sessions conducted or coordinated with the Muslim Public Affairs Council of Western New York (MPAC-WNY) and/or its president. (Case Number 2011F12259 and 2011FOIA9222).

III. FOIA Releases

- On May 31, 2011, the United States Secret Service (USSS) released to **Michael Bekesha** with **Judicial Watch, Inc.**, five pages of records in response to his request for records concerning the cost of the trip of President Obama to Copenhagen during the week of September 28, 2009, and the cost of the trip of First Lady Michelle Obama, Secretary of Education Arne Duncan, Secretary of Transportation Ray LaHood, Senior Advisor to the President Valerie Jarrett, and representatives of the White House for Olympic, Paralympic and Youth Sport to Copenhagen during the week of September 28, 2009. (Case Numbers 20090796 and 20090797).
- On June 1, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Robert Keobel**, a reporter with *Fox 4 News* in Cape Coral, Florida, one page of records in response to his request for the number of holding cells and interview rooms that will be included in the construction of the new office in Fort Myers. (Case Number 2011FOIA5976).

- On June 2, 2011, the Department of Homeland Security (DHS) released to an individual in 301 pages of records responsive to his request for copies of documents listed in the weekly significant FOIA reports. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(C). (Case Number DHS/OS/PRIV 11-0160).
- On June 2, 2011, the Department of Homeland Security (DHS) released to **Lucy Dalglish**, a reporter with the *News Media & The Law* in Washington, DC, 301 pages of records responsive to her request for copies of documents listed in the weekly significant FOIA reports. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(C). (Case Number DHS/OS/PRIV 11-0669).
- On June 3, 2011, the Department of Homeland Security (DHS) released to **David Fowler**, an Associate Professor with **University of Oregon** in Eugene, Oregon, two pages responsive to his request seeking a listing of personnel counts reflecting positions in the 0080, 0083, 1801, 1802, 1810, 1811, 1881, 1889, 1894, 1895, 1896, 1899 occupational codes, to exclude the U.S. Secret Service, U.S. Coast Guard, and the Office of Inspector General. Portions of this response were withheld pursuant to FOIA exemption (b)(3). (Case Number DHS/OS/PRIV 11-0077).

IV. FOIA Appeals

- On May 17, 2011, **Natasha Minsker**, Death Penalty Policy Director for the **American Civil Liberties Union of Northern California** and **Tim Redmond**, Executive Editor with the *San Francisco Bay Guardian* in San Francisco, California, appealed the response from U.S. Customs and Border Protection (CBP) to their request for documents pertaining to the acquisition of controlled substances by state officials for the purpose of carrying out executions of condemned prisoners by lethal injection. (Case Number 2011-F03665).

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Judicial Watch v. DHS* (D.D.C. 11-CV-604), Plaintiff filed a complaint March 23, 2011, claiming constructive denial pertaining to their request for records relating to the following: a) any and all records of, and/or records concerning Department of Homeland Security briefing regarding a systematic review of pending immigration cases against suspected illegal immigrants in Houston, Texas; b) Any and all records of general guidelines issued to Department of Homeland Security attorneys, allowing for dismissal of pending immigration cases; c) Any and all records detailing the determination and implementation of a systematic review of pending immigration cases against suspected illegal immigrants in Houston, Texas; d) Any and all correspondence with non-governmental organizations (to include, but not limited to, the American Immigration Lawyers Association) concerning the process for US Immigration and Customs Enforcement to give consideration to possible dismissal of pending immigration cases. ICE produced 235 pages of responsive records to plaintiffs on May 27, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells