

Freedom of Information Act Activity for the Week of January 22 - 28, 2015

Privacy Office

February 2, 2015

Weekly Freedom of Information Act Report

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

- On January 23, 2015, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE Freedom of Information Act Library under the Office of Detention Oversight-Detention Facility Compliance Inspections menu 2014 inspection reports for the following facilities: (1) Lincoln County Detention Center (41 pages); and (2) Saint Clair County Jail (35 pages).
- On January 27, 2015, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE Freedom of Information Act Library under the ICE Freedom of Information Act Logs menu the April through September 2014 logs. (one Excel spreadsheet).

II. Freedom of Information Act Requests

- On January 22, 2015, **Justin McCarthy**, a representative with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records pertaining to the use of U.S. Government funds to provide security and/or other services to President Obama and any companions on their trip to Honolulu, Hawaii from December 1, 2014, through January 5, 2015. (Case Number USSS 20150439.)
- On January 22, 2015, **William Marshall**, a representative with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records pertaining to expenses incurred to provide security and/or other services to former President Bill Clinton and any companions for trips to Little St James, U.S. Virgin Islands from January 1, 2001, through the present. (Case Number USSS 20150440.)
- On January 24, 2015, **Steve Reilly**, a reporter with *USA Today* in McLean, Virginia, requested from the Federal Emergency Management Agency (FEMA) a complete export of FEMA's National Shelter Survey database. (Case Number FEMA 2015-FEFO-00224.)
- On January 26, 2015, **Steve Reilly**, a reporter with *USA Today* in McLean, Virginia, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records released for Freedom of Information Act Case Number OIG 2014-069, pertaining to complaints received by DHS Office for Civil Rights and Civil Liberties (CRCL) alleging the abuse of minors by U.S. Border Patrol. (Case Number OIG 2015-081.)
- On January 26, 2015, **Bryan Johnson**, an attorney with **Amoachi & Johnson, PLLC** in Bay Shore, New York, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to specific facility observation checklists from the OIG's memoranda "Oversight of

Unaccompanied Minor Children,” dated July 30, 2014, and August 28, 2014. (Case Number OIG 2015-082.)

- On January 27, 2015, **Cyrus Farivar**, a journalist with *Ars Technica* in Washington, DC, requested from the United States Secret Service (USSS) the following records: (1) records pertaining to the January 26, 2015 incident of a drone landing on the White House grounds; and (2) records pertaining to any other drone incidents on the White House grounds. (Case Number USSS 20150443.)
- On January 27, 2015, **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the United States Secret Service (USSS) records pertaining to the January 26, 2015 incident of a drone landing on the White House grounds. (Case Number USSS 20150446.)
- On January 28, 2015, **Audrey Singer**, a senior fellow with the **Brookings Institution** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to Deferred Action for Childhood Arrivals, including renewals via the I-821D form. (Case Number 2015-HQFO-00212.)
- On January 28, 2015, **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) records pertaining to the Advanced Technology Northern Border Security Pilot Program. (Case Number 2015-HQFO-00213.)
- On January 28, 2015, **Brock Hires**, a reporter with the *Omak-Okanogan County Chronicle* in Omak, Washington, requested from U.S. Customs and Border Protection (CBP) statistics pertaining to the seizures of drugs and firearms as well the number of individuals crossing the border in Okanogan and Ferry Counties in 2014. (Case Number CBP-2015-014593.)

Late requests

- On January 13, 2015, **Kate Linthicum**, a reporter with the *Los Angeles Times* in Los Angeles, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) records pertaining to the California employers that ICE fined and/or charged criminally for immigration violations in 2014; (2) the total number of employers audited each year by ICE for immigration violations since 2004; and (3) the total number of audits conducted nationally since 2004. (Case Number ICE 2015-ICFO-57083.)
- On January 15, 2015, **Tim Novak**, a reporter with the *Chicago Sun-Times* in Chicago, Illinois, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the foreign investors and investments associated with TUR Partners Metropolitan Regional Center LLC. (Case Number USCIS COW2015000053.)
- On January 17, 2015, **Betsy Lawrence**, Director of Liaison with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) the following records: (1) records pertaining to the adjudication of L-1A and L-1B (Form I-129) nonimmigrant petition cases; (2) applications for admission in L-1A or L-1B status; (3) records pertaining to standard operating procedures and guidance for the adjudication of Treaty National (TN) nonimmigrant petition cases, as

mandated under the North American Free Trade Agreement; and (4) applications for admission in TN status. (Case Number USCIS COW2015000049.)

- On January 17, 2015, **Betsy Lawrence**, Director of Liaison with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to standard operating procedures and guidance for USCIS lockbox facilities. (Case Number USCIS COW2015000050.)
- On January 17, 2015, **Betsy Lawrence**, Director of Liaison with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) standard operating procedures and guidance pertaining to the issuance of Notices to Appear by USCIS from November 2, 2011, through the present. (Case Number USCIS COW2015000052.)

III. Freedom of Information Act Releases

- On January 22, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Lomi Kriel**, a reporter with the *Houston Chronicle Media Group* in Houston, Texas, one page of records consisting of an e-mail pertaining to the following: (1) the bidders for the Dilley Family Residential Center expansion; (2) the proposed price to the federal government for renting out Sendero Ranch; (3) the contract between ICE and Sendero Ranch/Kootz McCombs and/or other party to rent out existing structures at 1925 West Highway 85, West Dilley, Texas; and (4) the locations for all new family residential centers proposed by ICE for Texas since February 1, 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6 and 7(C). (Case Number ICE 2014-ICFO-07700.)
- On January 22, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Scott MacFarlane**, a reporter with *NBC 4* in Washington, DC, 37 pages of records pertaining to Department of Homeland Security (DHS), Office of Inspector General (OIG) Freedom of Information Act Case Numbers OIG 2013-118, 2013-148, and 2013-164. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6 and 7(C). (Case Number ICE 2014-ICFO-09304.)
- On January 22, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Evans**, a representative with **The National Security Archive** in Washington, DC, 87 pages of records pertaining to the Beta Groups of Mexico's National Migration Institute. Portions of the release were withheld pursuant to Privacy Act Exemption k2 and Freedom of Information Act Exemptions 6 and 7(C). (Case Number ICE 2015-ICFO-00995.)
- On January 22, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **David Iaconangelo**, a journalist with the *Latin Times* in Brooklyn, New York, 90 pages of records and two Excel spreadsheets pertaining to the number of individuals brought into custody in New York City that were processed at the Varick Street Service Processing Center. Portions of the release were withheld pursuant to Privacy Act Exemption k2 and Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number ICE 2015-ICFO-01182.)

- On January 22, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Paul Birmingham**, a reporter with *KVOA News 4 Tucson* in Tucson, Arizona, seven pages of records pertaining to Tucson-based commercial shuttle companies that were the subjects of ICE investigations in Southern Arizona from January 1, 2013, through March 10, 2014. Portions of the release were withheld pursuant to Privacy Act Exemption k2 and Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number ICE 2015-ICFO-01195.)
- On January 22, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Darren Eustance**, a representative with **Malleus Political Strategies** in Apex, North Carolina, 128 pages of records pertaining to an ICE raid at the Mills Manufacturing Plant in Asheville, North Carolina on August 12, 2008. Portions of the release were withheld pursuant to Privacy Act Exemption k2 and Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number ICE 2015-ICFO-01372.)
- On January 22, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Darrell Hill**, an attorney with the **American Civil Liberties Union of Arizona** in Phoenix, Arizona, 34 pages of records pertaining to two named individuals. Portions of the release were withheld pursuant to Privacy Act Exemption k2 and Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number ICE 2015-ICFO-02274.)
- On January 22, 2015, U.S. Customs and Border Protection (CBP) issued to **Robert Ortega**, a reporter with *The Arizona Republic* in Phoenix, Arizona, a full denial in response to his request seeking records pertaining to the death of Border Patrol Agent Nicholas Ivie on October 2, 2012. These records were withheld pursuant to Freedom of Information Act Exemption 7(A). (Case Number CBP-2013-020970.)
- On January 23, 2015, U.S. Customs and Border Protection (CBP) released to **Brandon Wieber**, a representative with **MuckRuck News** in Boston, Massachusetts, 18 pages of records consisting of policies and procedures for Unmanned Aircraft Systems. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-2013-041100.)
- On January 23, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Scott MacFarlane**, a reporter with *NBC 4* in Washington, DC, four pages of records pertaining to travel card theft investigations in fiscal years 2012 through 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6 and 7(C). (Case Number OIG 2015-037.)
- On January 26, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Jackie Stevens**, an author and professor with **Northwestern University** in Evanston, Illinois, 567 pages of records consisting of the Alien file for a named individual. Portions of the release were withheld pursuant to Privacy Act Exemptions d5, j2, and k2 and Freedom of Information Act Exemptions 5, 7(C), and 7(E). (Case Number USCIS COW2014000721.)
- On January 27, 2015, U.S. Customs and Border Protection (CBP) released to **Andrew Becker**, a reporter with the *Center for Investigative Reporting* in

Emeryville, California, 18 pages of records consisting of a listing of CBP employees arrested, charged, convicted, and/or sentenced on corruption-related charges from September 1, 2012, through January 9, 2015. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 2, 6, 7(C), and 7(E). (Case Number CBP-2014-008889.)

- On January 28, 2015, U.S. Customs and Border Protection (CBP) released to **Jeremy Schwartz**, a reporter with the *Austin American-Statesman* in Austin, Texas, one page of records containing statistics pertaining to the number of I-44 forms filed at the following Border Patrol Stations: (1) Abilene; (2) Amarillo; (3) Dallas; (4) Fort Stockton; (5) Lubbock; (6) Midland; (7) Pecos; (8) San Angelo; and (9) San Antonio for fiscal years 2005 through 2013. These records were released in full. (Case Number CBP-2014-022521.)

IV. Freedom of Information Act Appeals

- On January 22, 2015, **Andrew Becker**, a reporter with the *Center for Investigative Reporting* in Emeryville, California, appealed U.S. Customs and Border Protection's (CBP) response to his request seeking records pertaining to investigations regarding the use of unauthorized monitoring of communications used by CBP from January 1, 2003, through the present. The requester is contesting the decision to refer the request to the Department of Homeland Security (DHS) and the denial of his request for expedited processing. (Case Number CBP-AP-2015-014408.)

V. Freedom of Information Act Appeals Releases

- On January 23, 2015, U.S. Customs and Border Protection (CBP) released to **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, 20 pages of records consisting of the report titled "Airspace Restrictions for Use of Unmanned Aircraft Systems Along the Southwest Border." These records were released in full. (Case Number CBP-AP-2014-046953.)
- On January 26, 2015, U.S. Customs and Border Protection (CBP) released to **William Marshall**, a representative with **Judicial Watch** in Washington, DC, five pages of records consisting of inspection records for a named individual on December 3, 2014, at John F. Kennedy International Airport. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-AP-2015-014157.)

VI. Litigation

- In the matter of *American Civil Liberties Union v. Department of Homeland Security* (S.D.N.Y. 11-cv-3786), plaintiffs filed a Freedom of Information Act request on January 13, 2009, seeking records regarding Post Order Custody Review. Plaintiffs filed suit on June 3, 2011, claiming constructive denial. Pursuant to the Court's September 2013 order, U.S. Immigration and Customs Enforcement (ICE) and the plaintiffs are negotiating the scope of a sample production of the records. On January 21, 2015, ICE released 2,266 pages of sample Post Order Custody Review records.

- In the matter of *Stevens v. Department of Homeland Security* (N.D. Ill. 14-cv-03305), plaintiff filed four Freedom of Information Act requests in fiscal years 2013 through 2014 seeking records pertaining to staffing plans at U.S. Immigration and Customs Enforcement (ICE) detention facilities, detainee grievances, and the voluntary work program for ICE detainees. On January 23, 2015, ICE released 385 pages of performance summaries from various facilities.

Freedom of Information Act Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices.

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

Freedom of Information Act Activity for the Week of January 29 – February 4, 2015
Privacy Office
February 9, 2015
Weekly Freedom of Information Act Report

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

- On February 3, 2015, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE Freedom of Information Act Library under the Secure Communities Statistics menu the Secure Communities Nationwide Interoperability Statistics-Fiscal Year 2015 replacing the previous version (58 pages).
- On February 3, 2015, the Department of Homeland Security (DHS) Privacy Office posted to the DHS Freedom of Information Act Library for the Federal Emergency Management Agency (FEMA) the New York University Medical Center Public Assistance Project Worksheets Regarding Hurricane Sandy (65 pages).

II. Freedom of Information Act Requests

- On January 29, 2015, **Colin Lecher**, a representative with *The Verge/Vox Media* in New York, New York, requested from the United States Secret Service (USSS) records pertaining to the January 26, 2015 incident of a drone landing on the White House grounds. (Case Number USSS 20150451.)
- On January 29, 2015, **Donald Triplett**, a representative with **MuckRock News** in Bryson City, North Carolina, requested from the Transportation Security Administration (TSA) records pertaining to the power outage at Raleigh-Durham International Airport on December 22, 2014. (Case Number TSA 2015-TSFO-00103.)
- On January 30, 2015, **Tina Jensen**, a reporter with, *KRQE News 13* in Albuquerque, New Mexico, requested from the Transportation Security Administration (TSA) records pertaining to illegal items seized from the Albuquerque International Airport in 2014. (Case Number TSA 2015-TSFO-00107.)
- On January 30, 2015, **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records of correspondence and communications to and from the DHS-OIG pertaining to the classification of information within OIG-15-18, “Audit of Security Controls for DHS Information Systems at John F. Kennedy International Airport,” as Sensitive Security Information, from July 1, 2014, through the present. (Case Number OIG 2015-087.)
- On February 2, 2015, **Clara Long**, a researcher with **Human Rights Watch** in San Francisco, California, requested from the Department of Homeland Security (DHS) the following records pertaining to policies and procedures regarding: (1) data collection on stops, searches, and interrogation of individuals at Ports of Entry, Border Patrol Checkpoints, and elsewhere; and (2) complaints involving

misconduct by U.S Customs and Border Protection (CBP). (Case Number 2015-HQFO-00227.)

- On February 2, 2015, **Scott MacFarlane**, a reporter with *NBC 4* in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) records pertaining to the Spot Reports issued or shared in FEMA Region IX from January 30, 2015, through February 2, 2015, from 8 am through 8am. (Case Number FEMA 2015-FEFO-00236.)
- On February 3, 2015, **John Garcia**, a reporter with the *Big Bend Sentinel* in New York, New York, requested from U.S. Customs and Border Protection (CBP) a copy of surveillance video from the CBP interior checkpoint located four and a half miles south of Marfa, Texas, on January 6, 2015, from 10:15 am through 12:00 pm. (Case Number CBP-2015- 016086.)

Late requests

- On December 18, 2014, **Kyle Daly**, an editor with the *Pacific Daily News* in Guam, requested from the United States Coast Guard (USCG) a copy of an investigation report pertaining to the December 14, 2014 incident regarding the AMERICAN VICTORY. (Case Number USCG 2015-CGFO-00650.)
- On January 10, 2015, **Betsy Lawrence**, Director of Liaison with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) the number and type of petitions and applications for immigration benefits that were filed and associated with Form G-281, Notice of Appearance as Attorney in Matters outside the Geographical Confines of the United States, broken down by the USCIS Field Office where the petitions or applications were filed. (Case Number USCIS COW2015000058.)
- On January 10, 2015, **Betsy Lawrence**, Director of Liaison with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) statistical data pertaining to Form I-539, Application to Extend/Change Nonimmigrant Status and Form I-526, Immigrant Petition by Alien Entrepreneur for fiscal years 2011 through 2014. (Case Number USCIS COW2015000061.)
- On January 10, 2015, **Betsy Lawrence**, Director of Liaison with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) statistical data pertaining to Form I-140, Petition for Alien Worker, filed through regular and premium processing at the Nebraska Service Center and the Texas Service Center for fiscal years 2011 through 2014. (Case Number USCIS COW2015000062.)
- On January 15, 2015, **Michael Kaufman**, an attorney with the **American Civil Liberties Union of Southern California** in Los Angeles, California, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the Alien File for a named individual. (Case Number USCIS COW2015000060.)
- On January 15, 2015, **Barton Gellman**, a journalist with *The Washington Post* in New York, New York, requested from the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) the following records pertaining to himself regarding: (1) his interactions with Edward Snowden since

2013; (2) his work as a journalist covering federal government, military, diplomatic, intelligence, national security, and legal affairs; (3) a leak investigation or any other investigation; and (4) information and comments by and about him pertaining to security screenings of other individuals, from January 1, 1980, through the present. (Case Number I&A 2015-IAFO-0067.)

- On January 21, 2015, **Cale Ottens**, a reporter with the *Los Angeles Business Journal* in Los Angeles, California, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the Forms I-924, Application for Regional Center Under the Immigrant Investor Pilot Program filed by the M&D Regional Center, LLC. (Case Number USCIS COW2015000055.)
- On January 23, 2015, **Ian Smith**, a representative with the **Federation for Immigration Reform in Washington, DC**, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the financial costs regarding the building of detention centers, apprehension, processing, detention, transport, transfer, removal, and repatriation of Unaccompanied Alien Children for fiscal years 2013 through 2014. (Case Number ICE 2015-ICFO-66055.)

III. Freedom of Information Act Releases

- On January 28, 2015, the Federal Emergency Management Agency (FEMA) released to **Jason Leopold**, a reporter with **Truthout** in Beverly Hills, California, 10 pages of records consisting of Daily Situation Reports. These records were released in full. (Case Number FEMA 2013-FEFO-00367.)
- On January 28, 2015, the Federal Emergency Management Agency (FEMA) released to **Andrew Glazer**, a producer with *Dan Rather Reports* in New York, New York, 2,393 pages of records consisting of contracts and records pertaining to FEMA trailers deployed after Hurricane Katrina. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 4 and 6. (Case Number FEMA 2013-FEFO-00679.)
- On January 30, 2015, the United States Coast Guard (USCG) released to **Meghann Myers**, a writer with the *Navy Times* in Springfield, Virginia, five pages of records consisting of memoranda pertaining to Lieutenant Commander (b)(6). These records were released in full. (Case Number USCG 2015-CGFO-00094.)
- On January 30, 2015, the United States Coast Guard (USCG) released to **Karen Savage**, a representative with the **Life Support Project**, 70 pages of records consisting of medical treatment records pertaining to Deepwater Horizon. These records were released in full. (Case Number USCG 2015-CGFO-00132.)
- On January 30, 2015, the United States Coast Guard (USCG) released to **Eric Staats**, a representative with the *Naples Daily News* in Naples, Florida, three pages of records consisting of e-mails pertaining to applications from Collier County, the City of Naples, and Marco Island for artificial reefs. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number USCG 2015-CGFO-00180.)
- On January 30, 2015, the United States Coast Guard (USCG) released to **Erin Siegal**, a journalist with *Univision* in San Ysidro, California, nine pages of

records consisting of charts pertaining to USCG servicemembers who were not naturalized during their service. These records were released in full. (Case Number USCG 2015-CGFO-00232.)

- On February 2, 2015, the Federal Emergency Management Agency (FEMA) released to **Steve Reilly**, a reporter with the *Press & Sun-Ledger* in Binghamton, New York, 16,406 pages of records consisting of Individual and Public Assistance claims data pertaining to Tropical Storm Lee from September 7, 2011, through December 31, 2011. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 4 and 6. (Case Number FEMA 2013-FEFO-00265.)
- On February 2, 2015, the Federal Emergency Management Agency (FEMA) released to **Jarrett Renshaw**, a reporter with the *Star-Ledger* in Trenton, New Jersey, 120 pages of records consisting of correspondence logs between FEMA and elected officials from New Jersey from October 30, 2012, through January 31, 2013. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number FEMA 2013-FEFO-00342.)
- On February 3, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Patrick Toomey**, an attorney with the **American Civil Liberties Union** in New York, New York, a no records determination in response to his request seeking records pertaining to the government's use of information obtained or derived from foreign intelligence surveillance. (Case Number OIG 2015-063.)
- On February 4, 2015, U.S. Customs and Border Protection (CBP) released to **Victor Michel**, a representative with **MuckRock News** in Boston, Massachusetts, one page of records containing statistics for Southwest Border Unmanned Aircraft Systems Operations for fiscal years 2006 through 2014. These records were released in full. (Case Number CBP-2013-020523.)

IV. Freedom of Information Act Appeals

- On February 2, 2015, **Melissa Crow**, Legal Director with the **American Immigration Council** in Washington, DC, appealed U.S. Customs and Border Protection's (CBP) response to her request seeking records pertaining to the use of CBP personnel to provide translation/interpretation services and the participation of CBP employees in 911 dispatch activities. The requester is contesting the adequacy of the search. (Case Number CBP-AP-2015-015939.)

V. Freedom of Information Act Appeals Releases

- On January 29, 2015, U.S. Customs and Border Protection (CBP) released to **Beth Werlin**, Deputy Director, Legal Action Center with the **American Immigration Council** in Washington, DC, 1,724 pages of records containing data pertaining to the length of time individuals were held in short term detentions in the Tucson Sector. (Case Number CBP-AP-2014-006502.)

VI. Litigation

- In the matter of *Stevens v. Department of Homeland Security* (N.D. Ill. 1:14-cv-8133), plaintiff filed a Freedom of Information Act request on August 27, 2014,

seeking a copy of the most recent contracts between U.S. Immigration and Customs Enforcement (ICE) and GEO Group Inc. for detention services at the Aurora Processing Center in Aurora, Colorado. Plaintiff filed suit on October 17, 2014, claiming wrongful withholding of the records. On January 27, 2015, ICE released 613 pages of 2011 contracts between ICE and GEO Group Inc. regarding the Aurora Processing Center.

- In the matter of *Immigrant Defense Project, et al. v. Department of Homeland Security* (S.D.N.Y. 14-cv-06117), plaintiff filed a Freedom of Information Act request on October 17, 2013, seeking records pertaining to home-based enforcement operations. Plaintiff filed suit on August 5, 2014, claiming timely and substantive response. On January 30, 2015, U.S. Immigration and Customs Enforcement (ICE) released 576 pages of records.

Freedom of Information Act Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

Freedom of Information Act Activity for the Week of February 5 - 11, 2015

Privacy Office

February 18, 2015

Weekly Freedom of Information Act Report

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

- NSTR

II. Freedom of Information Act Requests

- On February 5, 2015, **Gregory Korte**, a reporter with *USA Today* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of the presidential policy directives received by the DHS Secretary from January 20, 2009, through the present. (Case Number 2015-HQFO-00228.)
- On February 6, 2015, **Lee Berthiaume**, a representative with the *Ottawa Citizen* in Ottawa, New York, requested from the Department of Homeland Security (DHS), Office of Operations Coordination and Planning (OPS) records pertaining to Michael Zehaf-Bibeau, the individual who shot and killed a Canadian soldier and attacked Canada's Parliament Buildings in Ottawa, Canada on October 22, 2015. (Case Number OPS 15-OPS-026.)
- On February 6, 2015, **Scott MacFarlane**, a reporter with *NBC 4* in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) records pertaining to memoranda or reports issued (or shared with other FEMA offices/managers) in 2014 by FEMA's internal investigative division. (Case Number FEMA 2015-FEFO-00252.)

Late requests

- On January 23, 2015, **Shawn Musgrave**, a representative with *Muckrock News* in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to Operation Safeguard conducted by ICE in 2003 to evaluate the use of the Predator B. (Case Number ICE 2015-ICFO-66842.)

III. Freedom of Information Act Releases

- On January 30, 2015, U.S. Customs and Border Protection (CBP) released to **Mitra Ebadolahi**, an attorney with the **American Civil Liberties Union** in San Diego, California, three pages of records pertaining to the death of Steven Brian Keith while he was under the custody and control of CBP at the Campo Border Patrol Station in Pine Valley, California. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-2015-012654.)
- On February 5, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, 74 pages of records from the Alien File for the late Alexander Schweidler. Portions of the release were withheld pursuant to

Freedom of Information Act Exemption 6. (Case Number USCIS COW2014000781.)

- On February 6, 2015, the Federal Emergency Management Agency (FEMA) released to **John Sullivan**, a reporter with the *Times Herald-Record* in Middletown, New York, 372 pages of records consisting of project worksheets, invoices, correspondence, and e-mails pertaining to assistance provided to the Village of Washingtonville, New York for flood relief or flood damage following Hurricane Irene. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 4 and 6. (Case Number FEMA 2013-FEFO-00304.)
- On February 6, 2015, the Federal Emergency Management Agency (FEMA) released to **Josh Wade**, a producer with *WSB-TV* in Atlanta, Georgia, 132 pages of records pertaining to Georgia recipients of grants from the Non Profit Security Grant Program since the program's inception. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number FEMA 2013-FEFO-00319.)
- On February 9, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Sean Dunagan**, an investigator with **Judicial Watch** in Washington, DC, 498 pages of records pertaining to pre-solicitation HSSCCG-14-R-00028, which was issued on October 3, 2014, seeking a vendor to provide card consumables for the Document Management Division that will be used to produce Permanent Resident Cards and Employment Authorization Documentation cards. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 3, 4, 5, 6, and 7(E). (Case Number USCIS CNT2014000032.)
- On February 9, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Stuart Anderson**, a director with the **National Foundation for American Policy** in Arlington, Virginia, eight pages of records containing statistics on the number of L-1B petitions received, approved, denied, as well as the number of L-1B petitions for which a Request for Evidence was issued for fiscal years 2012 through 2014. These records were released in full. (Case Number USCIS COW2014000704.)
- On February 9, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Tarno Vahter**, a reporter with the *Eesti Ajalehed* in Tallinn, Estonia, 39 pages of records pertaining to the late Endel Ilves. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6 and 7(E). (Case Number USCIS NRC2014120547.)
- On February 10, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, 24 pages of records from the Alien File for the late Anton Bless. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number USCIS COW2014000783.)
- On February 10, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, 1,543 pages of records from the Alien File for the late Boleslavs Maikovskis. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5, 6, 7(C), and 7(E). (Case Number USCIS COW2014000784.)

- On February 10, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, 34 pages of records from the Alien File for Jakob Denzinger. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6 and 7(E). (Case Number USCIS COW201400820.)
- On February 10, 2015, the Department of Homeland Security (DHS) released to **Jim Dalrymple**, a reporter with *BuzzFeed* in Los Angeles, California, five pages of records consisting of correspondence pertaining to Congressman Jason Chaffetz (R-UT). Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6 and 7(E). (Case Number 2015-HQFO-00076.)
- On February 10, 2015, the United States Coast Guard (USCG) released to **Adam Walser**, an investigator with *ABC Action News* in Tampa, Florida, 144 pages of records consisting of case reports, Captain of the Port Orders, photographs, letters, and logs pertaining to grounded barges in Anna Maria, Florida. These records were released in full. (Case Number USCG 2015-CGFO-00415.)
- On February 11, 2015, the Federal Emergency Management Agency (FEMA) released to **Danny Hakim**, a representative with *The New York Times* in Albany, New York, 237 pages of records consisting of FEMA After Action Reports pertaining to Hurricane Irene. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number FEMA 2013-FEFO-00010.)
- On February 11, 2015, the Federal Emergency Management Agency (FEMA) released to **Sylvia Carignan**, a writer with *The Frederick News-Post* in Frederick, Maryland, 23 pages of records pertaining to lost and stolen property (valued at 50 dollars or greater than) at FEMA's Distribution Center in Fredrick, Maryland from January 1, 2012, through the present. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number FEMA 2013-FEFO-00960.)
- On February 11, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Jason Leopold**, a reporter with *Vice News* in Venice, California, 67 pages of records pertaining to 23 investigations involving the United States Secret Service (USSS). Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5, 6, 7(C), and 7(E). (Case Number OIG 2015-013.)

IV. Freedom of Information Act Appeals

- On February 6, 2015, **Stacy Boven**, an attorney with Nixon Peabody, LLP, on behalf of **Human Rights Watch** in San Francisco, California, appealed U.S. Customs and Border Protection's (CBP) response to her request seeking the following records: (1) Trafficking Victims Protection Reauthorization Act of 2008 training and screening records; and (2) Unaccompanied Alien Children apprehension data. The requester is contesting the decision to withhold the training records in full pursuant to Freedom of Information Act Exemption 7(E) and the response that all the apprehension data is publicly available on CBP's website. (Case Number CBP-AP-2015-017306.)

V. Freedom of Information Act Appeals Releases

- NSTR

VI. Litigation

- In the matter of *Judicial Watch v. Department of Homeland Security* (D.C. 14-cv-01730), plaintiff filed a Freedom of Information Act request on July 8, 2014, seeking records regarding the Request for Information for escort services for Unaccompanied Alien Children. Plaintiff filed suit on October 16, 2014, claiming constructive denial. On February 3, 2015, U.S. Immigration and Customs Enforcement (ICE) released 60 pages of records and three spreadsheets.
- In the matter of *National Immigrant Justice Center v. Department of Homeland Security* (N.D. Ill. 12-cv-05358), plaintiff filed a Freedom of Information Act request on April 27, 2011, seeking a copy of all Intergovernmental Service Agreements between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On February 6, 2015, ICE released 1,441 pages of Enforcement and Removal Operations detention facility inspection reports.

Freedom of Information Act Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices.

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

Freedom of Information Act Activity for the Week of February 12 - 18, 2015
Privacy Office
February 23, 2015
Weekly Freedom of Information Act Report

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

- On February 11, 2015, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE Freedom of Information Act Library under the Office of Detention Oversight-Detention Facility Compliance Inspections menu the 2014 inspection report for Albany County Correctional Facility (26 pages).

II. Freedom of Information Act Requests

- On February 12, 2015, **Andrew Becker**, a reporter with the *Center for Investigative Reporting* in Emeryville, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to management implication reports, and/or similar reports, letters, and memoranda created by and/or held in Southwest border investigative offices of the DHS-OIG for fiscal years 2008 through 2010. (Case Number OIG 2015-095.)
- On February 18, 2015, **Jason Leopold**, a reporter with *Vice News* in Venice, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the exhibits for case number I13-USSS-SID-00076. (Case Number OIG 2015-097.)

Late requests

- On January 28, 2015, **Matthew Artz**, a reporter with the *Oakland Tribune* in Oakland, California, requested from the United States Citizenship and Immigration Services (USCIS) records of communication pertaining to the San Francisco Regional Center or any companies operating with EB-5 funds secured through the San Francisco Regional Center. (Case Number USCIS COW2015000119.)
- On February 9, 2015, **LaDonna Beeker**, an investigative producer with *WIS-TV* in Columbia, South Carolina, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the following deceased individuals: (1) Sung Hee Kwon (Case Number USCIS COW2015000121); and (2) Raja Fayad. (Case Number USCIS COW2015000122.)
- On February 9, 2015, **Beryl Lipton**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to the investigation conducted by the DHS-OIG at Karnes City, Texas in 2014. (Case Number OIG 2015-092.)
- On February 9, 2015, **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) records sent to the staff of Senator Patrick Leahy (D-VT), Senator Chuck Grassley (R-IA), and or the Senate Judiciary Committee in response to the

December 23, 2014 letter sent to Attorney General Eric Holder and Secretary Jeh Johnson regarding cell-site simulators. (Case Number 2015-HQFO-00234.)

- On February 9, 2015, **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) the following records pertaining to HSCECR-14-Q-00006, the contract proposal for the National License Plate Recognition database service: (1) orders from Secretary Jeh Johnson's office to cancel the contract proposal; (2) orders from the Secretary's office to review the contract proposal; and (3) final reports summarizing the results of the review. (Case Number 2015-HQFO-00238.)
- On February 10, 2015, **Alicia Caldwell**, a reporter with the *Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to the transfer of Alvin Smith from the United States Secret Service (USSS) to U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations from November 1, 2014, through February 10, 2015. (Case Number 2015-HQFO-00236.)
- On February 10, 2015, **William Marshall**, a representative with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to the investigation of the January 1, 2014 explosion and fire at the Cedar-Riverside apartment complex in Minneapolis, Minnesota. (Case Number 2015-HQFO-00240.)
- On February 11, 2015, **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the late Andrija Artukovic. (Case Number USCIS COW2015000120.)

III. Freedom of Information Act Releases

- On February 13, 2015, the Federal Emergency Management Agency (FEMA) released to **Megan Wilson**, a researcher with *The Hill* in Washington, DC, 13 pages of records pertaining to an interagency agreement between FEMA and the U.S. Department of Agriculture Forest Service regarding a Dam/Impoundment Pocket Safety Guide and Dam/Impoundment Safety Training for Non-Engineers. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number FEMA 2013-FEFO-00943.)
- On February 13, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Evans**, a representative with **The National Security Archive** in Washington, DC, 34 pages of records pertaining to the Biometric Identification Transnational Migration Alert Program in Mexico from January 1, 2010, through the present. Portions of the release were withheld pursuant to Privacy Act Exemption k2 and Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number ICE 2014-ICFO-02077.)
- On February 13, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Jeff Elder**, a representative with *The Wall Street Journal* in Washington, DC, one Excel spreadsheet containing Student and Exchange Visitor Information System data pertaining to foreign students. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number ICE 2015-ICFO-06380.)

- On February 17, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Maria Perez**, a representative with the *Naples Daily News* in Naples, Florida, 144 pages of records pertaining to the investigation of Waste Pro USA. Portions of the release were withheld pursuant to Privacy Act Exemptions j2 and k2 and Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number ICE 2014-ICFO-07001.)
- On February 17, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse** in Syracuse, New York, one Excel spreadsheet containing anonymous data pertaining to individuals who were detained, released, or in ICE custody in December 2013. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6 and 7(C). (Case Number ICE 2015-ICFO-02748.)
- On February 17, 2015, the Department of Homeland Security (DHS) released to **William Marshall**, a representative with **Judicial Watch** in Washington, DC, 13 pages of records consisting of talking points and frequently asked questions pertaining to Unaccompanied Alien Children and diseases afflicting them. These records were released in full. (Case Number 2014-HQFO-00667.)

IV. Freedom of Information Act Appeals

- On February 12, 2015, **Matthew Sledge**, a reporter with *The Huffington Post* in New York, New York, appealed the Department of Homeland Security (DHS), Office of Intelligence and Analysis's (I&A) response to his request seeking the following records: (1) records pertaining to the protests in Ferguson, Missouri and protests elsewhere over the death of Michael Brown Jr.; and (2) records pertaining to federal programs for equipping state and local law enforcement from August 9, 2014, through the present. The requester is contesting the adequacy of the search and the decision to withhold portions of the release pursuant to Freedom of Information Act Exemptions 3 and 7(E). (Case Number 2015-HQAP-00036.)

V. Freedom of Information Act Appeals Releases

- NSTR

VI. Litigation

- In the matter of *American Immigration Council, et al. v. Department of Homeland Security* (D. Conn. 12-cv-355), plaintiffs filed a Freedom of Information Act request on November 29, 2011, seeking records pertaining to the Criminal Alien Program and its predecessors. Plaintiffs filed suit on March 8, 2012, claiming constructive denial, improper denial of fee waiver request, and improper denial of media requester status. On February 13, 2015, U.S. Immigration and Customs Enforcement (ICE) released 318 pages of e-mail records and 41 Excel spreadsheets from the Philadelphia Field Office.
- In the matter of *Detention Watch Network v. Department of Homeland Security, et al.* (S.D. N.Y.14-cv-00583), plaintiff filed a Freedom of Information Act request on November 25, 2013, seeking records pertaining to the Detention Bed Mandate. Plaintiff filed suit claiming constructive denial, and sought a preliminary

injunction to compel production. On February 13, 2015, the Department of Homeland Security (DHS) released 708 pages of records. On February 13, 2015, U.S. Immigration and Customs Enforcement (ICE) released 1,227 pages of records.

Freedom of Information Act Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices.

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

Exemption 4: trade secrets and other confidential business information.

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

Exemption 6: information involving matters of personal privacy.

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells