

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 Silver Spring, 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 [REDACTED] (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, **Michael Ravnitzky**, an individual from Silver Spring, Maryland, 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, [REDACTED] (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 CENTRCOM 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, **Kiralynne 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 Guillelrmio 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 "Lefting 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, **Michael Ravnitzky**, an individual from Silver Spring, Maryland, 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, **Michael Ravnitzky**, an individual from Silver Spring, Maryland, 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, **Michael Ravnitzky**, an individual from Silver Spring, Maryland, 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, **Michael Ravnitzky**, an individual from Silver Spring, Maryland, 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 Silver Spring, Maryland 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) 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)
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. NSTR

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 Greenwald, 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 Tausin, 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, fair 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 J. [REDACTED] (b)(6) [REDACTED] to specifically include investigation records relating to potentially stolen merchandise stored at the [REDACTED] (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 [REDACTED] (b)(6) [REDACTED], 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 IGSA's as well as copies of 17 separate IGSA's.

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

IV. Lawsuits:

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

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of July 24 - 30, 2009

Privacy Office

August 3, 2009

Weekly FOIA Report

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

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

II. FOIA requests:

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

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

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

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

III. FOIA Releases:

- NSTR

IV. Lawsuits:

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

FOIA Activity for the Week of July 31 – August 6, 2009
Privacy Office
August 7, 2009
Weekly FOIA Report

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

- NSTR

II. FOIA requests

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

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

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

III. FOIA Releases

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

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

IV. Lawsuits:

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

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of August 7 – August 13, 2009
Privacy Office
August 17, 2009
Weekly FOIA Report

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

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

II. FOIA requests

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

Late Entry

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

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

III. FOIA releases

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

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

IV. FOIA litigation

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

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

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

Exemption 4: trade secrets and other confidential business information

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

Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of August 21 - 27, 2009
Privacy Office
August 31, 2009
Weekly FOIA Report

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

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

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

III. FOIA Releases

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

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

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

IV. Lawsuits:

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

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

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

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 Greenwald**, 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

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 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 identifying participants of the meeting and their organizational affiliation and any evaluation forms/reports executed by meeting participants in agency possession, and 4) any audio and/or video presentations or recordings presented at or made during the meeting.
- On October 15, 2009, **Steven Emerson**, a representative of **SAE Productions**, in Washington, D.C., requested from the Department of Homeland Security (DHS) all records pertaining to an August 19, 2009, meeting between DHS, U.S. Customs and Border Protection (CBP), and the Washington state chapter of the Council of American-Islamic Relations (CAIR-WA), to specifically include: 1) copies of any and all correspondence between DHS and CAIR-MI associated with the meeting, 2) copies of any reports, memos, emails or other internal DHS documents related to the meeting, 3) any documents identifying participants of the meeting and their organizational affiliation and any evaluation forms/reports executed by meeting participants in agency possession, and 4) any audio and/or video presentations or recordings presented at or made during the meeting.
- On October 15, 2009, **Sean Young**, an attorney in New York, New York, requested from the Department of Homeland Security (DHS) all records

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

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

Late Entry

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

III. FOIA Releases

- NSTR

IV. Lawsuits:

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

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

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Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of 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

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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 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, **Michael Ravnitzky**, an individual from Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) reports produced for congress by DHS, during the past three years, and which are not posted on the DHS public website.
- On November 19, 2009, the United States Department of Commerce referred to the Department of Homeland Security (DHS) documents responsive to a March 31, 2008, request from **Taylor Lincoln of Public Citizen** in Washington, D.C., seeking records concerning individuals or business that have lobbied the U.S. Department of Commerce since 2004 and listed by name in the request.

III. FOIA Releases

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

IV. Lawsuits:

- NSTR

FOIA Exemptions

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 Shackelford**, 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 [REDACTED] (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.

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Exemption 4: trade secrets and other confidential business information

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Exemption 6: information involving matters of personal privacy

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

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of 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.

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Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells