

EXHIBIT 3



**Homeland
Security**

Privacy Office, Mail Stop 0655

August 21, 2012

Amie L. Stepanovich
Associate Litigation Counsel
Electronic Privacy Information Center
1718 Connecticut Avenue, NW
Suite 200
Washington, DC 20009

Re: **DHS/OS/PRIV 12-0598**

Dear Ms. Stepanovich:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated July 10, 2012, and received by this office on July 18, 2012.

You are seeking the following records:

1. The full text of Standard Operating Procedure 303;
2. The full text of the pre-determined "series of questions" that determine if a shutdown is necessary;
3. Any executing protocols or guidelines related to the implementation of Standard Operating Procedure 303, distributed to DHS, other federal agencies, or private companies, including protocols related to oversight of shutdown determinations.

We conducted a comprehensive search of files within the DHS, Management Directorate (MGMT), Office of the Chief Information Officer (CIO) and the Under Secretary for Management (USM), for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records.

While an adequate search was conducted, you have the right to appeal this determination that no records exist within MGMT-CIO and MGMT-USM that would be responsive to your request. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.

If you need to contact our office concerning this request, please call 866-431-0486 and refer to **DHS/OS/PRIV 12-0598**.

Sincerely,

A handwritten signature in black ink that reads "Mia Day". The signature is written in a cursive, flowing style.

Mia Day
FOIA Program Specialist