



July 3, 2012

Amie Stepanovich
Electronic Privacy Information Center
1718 Connecticut Avenue NW, Suite 200
Washington, DC 20009

Re: **S&T 12-010 (interim response)**

Dear Ms. Stepanovich:

This is an interim response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Privacy Office, dated April 4, 2012, and received by this office on April 13, 2012. You are seeking 1) all correspondence, communications, and records of meetings between New York state officials and the federal government relating to the development and implementation of the new terahertz technology to conduct electronically "frisk" individuals at a distance; 2) all unfiltered or obscured images captured using the new terahertz technology; 3) all contracts, statements of work, or related documents and appendices entered into related to the new terahertz technology, including contracts for hardware, software, training, or development, including but not limited to contract HSHQDC-07-C-00016; 4) all documents detailing technical specifications or capabilities of the new terahertz technology; and 5) all documents detailing plans to implement the new terahertz technology, including but not limited to New York City.

A search was conducted by the S&T Explosives Division for documents responsive to your request. A search of emails, computer drives, and file cabinets for the key words terahertz, New York, and contract HSHQDC-07-C-00016 was conducted. For the interim response a total of 176 pages were produced. I have determined that 83 pages of the records are releasable in their entirety, 20 pages are partially releasable, and 73 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552 FOIA Exemptions (b)(3) and (b)(6).

Enclosed are 103 pages with certain information withheld as described below.

FOIA Exemption 3 protects information specifically exempted from disclosure by another statute, if the statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) established particular criteria for withholding or refers to particular types of matters to be withheld.

Proposals

Section 253b(m) of Title 41, United States Code, prohibits the release of any competitive proposal under the FOIA, except for those portions of the proposal set forth or incorporated by reference in a government contract. Since the statute leaves the agency with no discretion, I determined that all sections of the contractor proposal which were required to be submitted, and which were not incorporated into the contract, must be withheld under subsection (b)(3) of the FOIA

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. [*The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, telephone numbers, driver license, social security numbers, home addresses, dates of birth, email addresses, or various other documents and/or information belonging to a third party that are considered personal.*] The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

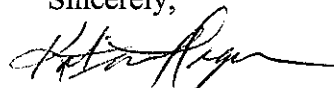
Upon completion of the processing, all documents that can be released will be made available to you at the earliest possible date. We sincerely apologize for the delay you are experiencing and appreciate your continued patience.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA [AND PRIVACY ACT] allow us to recover part of the cost of complying with your request. Please be advised that a final decision is pending in response to your appeal letter, dated June 1, 2012, regarding a blanket fee waiver.

If you need to contact our office again about this matter, please refer to **S&T 12-010**. This office can be reached at stfoia@dhs.gov or (202) 254-6342.

Sincerely,



Katrina Hagan
FOIA Officer (Acting)

Enclosure(s): 1) Responsive Documents, 103 pages
2) Inventory Sheet, 1 page