



June 1, 2012

VIA EMAIL: stfoia@dhs.gov
U.S. Department of Homeland Security
Science and Technology Directorate
Washington, D.C. 20528
Acting FOIA Officer/Public Liaison: Katrina Hagan
stfoia@dhs.gov
202.254.6342

1718 Connecticut Ave NW
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Washington DC 20009
USA
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www.epic.org

cc: Office of Government Information Services (OGIS)
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Re: Freedom of Information Act Appeal (S&T 12-010)

Katrina Hagan:

This letter constitutes an appeal under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted to the Science and Technology Directorate ("S&T"), a component of the Department of Homeland Security ("DHS") by the Electronic Privacy Information Center ("EPIC").

On April 4, 2012, EPIC requested, via certified mail, agency records regarding the use and development of Terahertz technology for electronic frisking. Specifically, EPIC requested the following five categories of records:

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...electronically "frisk" individuals at a distance;
2. All unfiltered or unobscured 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.

Procedural Background

On April 4, 2012, EPIC transmitted a request for the preceding five categories of documents (“EPIC’s FOIA Request”), as well as a request for news media fee status and a waiver of duplication fees.¹ The U.S. Postal Service has confirmed that EPIC’s FOIA Request arrived at DHS on April 9, 2012. In a letter dated April 20, 2012, the S&T responded to EPIC’s FOIA Request.² S&T’s response was postmarked April 25, 2012. S&T stated that the DHS had referred the request to S&T on April 13, 2012. S&T invoked a “10 day extension” to comply with EPIC’s FOIA Request, asserting that “[EPIC’s FOIA Request] seeks numerous documents that will necessitate a thorough and wide-ranging search.”³

S&T recognized EPIC’s status as a member of the news media, but informed EPIC that the Agency would “charge [EPIC] for records in accordance with the DHS Interim FOIA regulations as they apply to media requestors.”⁴ S&T assigned EPIC’s FOIA Request reference number “S&T 12-010”⁵ S&T has been in contact with EPIC subsequently regarding the substance of EPIC’s FOIA Request.⁶

EPIC Appeals S&T’s Constructive Denial of EPIC’s Request for a Blanket Fee Waiver

EPIC hereby appeals the S&T’s constructive denial of EPIC’s request for a blanket fee waiver. The FOIA provides that “fees shall be limited to reasonable standard charges for document duplication when records are not sought for a commercial use and are requested by ... a representative of the news media.”⁷ The United States District Court for the District of Columbia has held that EPIC is a member of the news media for the purpose of calculating FOIA duplication fees.⁸

The FOIA further provides that all assessed fees shall be waived or reduced “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”⁹ Six factors are used to determine if a requester meets the requirements for a fee waiver:

¹ Letter from Amie Stepanovich, Associate Litigation Counsel, EPIC, to Mary Ellen Callahan, Chief Privacy Officer / Chief FOIA Officer, the Privacy Office, DHS (Apr. 4, 2012) (Appendix 1).

² Letter from Katrina Hagan, Acting FOIA Officer, S&T to Amie Stepanovich, EPIC (Apr. 20, 2012) (Appendix 2).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ See Letter from Katrina Hagan, FOIA Officer, S&T, to Amie Stepanovich, EPIC (May 3, 2012) (Appendix 3) (EPIC responded by telephone call on May 8, 2012); see also Letter from Katrina Hagan, FOIA Officer (Acting), S&T, to Amie Stepanovich, EPIC (May 29, 2012) (Appendix 4).

⁷ 5 U.S.C. § 552(a)(4)(A)(ii)(II) (2011).

⁸ *EPIC v. Dept. of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2005).

⁹ 5 U.S.C. § 552(a)(4)(A)(iii) (2011).

1. Whether the subject of the requested records concerns “the operations or activities of the government”;
2. Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;
3. Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
4. Whether the contribution to the public understanding of government operations or activities will be “significant”;
5. Whether the requestor has a commercial interest that would be furthered by the requested disclosure; and
6. Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.¹⁰

In EPIC’s FOIA Request, EPIC addressed each of these six factors.¹¹ EPIC’s FOIA Request explained the nature of the requested records and the impact that the subject matter of EPIC’s FOIA Request, namely Terahertz technology, would have on the public at large.¹² EPIC asserted that the documents sought would “hold a great informative value regarding activities of the Department that will have a significant public impact.”¹³ EPIC’s FOIA Request also detailed EPIC’s role as a non-profit disseminator of information.¹⁴

¹⁰ See 6 C.F.R. § 5.11(k)(2)-(3) (2011).

¹¹ Letter from Amie Stepanovich, *supra* n. 1. (Specifically, EPIC alleged:

“Further, consistent with the Department of Homeland Security regulations, any duplication fees should be waived because disclosure of the records requested herein “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government,” and “disclosure of the information ‘is not primarily in the commercial interest of [EPIC]’”.

“This FOIA request involves information on a research effort by the Department of Homeland Security. Responsive documents will hold a great informative value regarding activities of the Department that will have a significant public impact.

“EPIC routinely and systematically disseminates information to the public. EPIC maintains several heavily visited websites that highlight breaking news concerning privacy and civil liberties. Two of EPIC’s websites, EPIC.org and PRIVACY.org, consistently appear at the top of search engine rankings for searches on “privacy.” EPIC also publishes a bi-weekly electronic newsletter, the EPIC Alert, which is distributed to around 20,000 readers, many who report on technology and privacy issues for major news outlets.

“In addition, EPIC’s FOIA documents have routinely been the subject of national news coverage. On a related matter, EPIC submitted a FOIA request to DHS for documents concerning the Department’s development of mobile body scanner and crowd surveillance technology. The documents detailed the Department’s use of equipment to scan crowds and pedestrians on the street. EPIC was able to disseminate those documents to the public at large, which resulted in numerous news stories.

“EPIC is a non-profit, public interest research center that was established in 1994 to focus public attention on emerging civil liberties issues and to protect privacy, the First Amendment, and constitutional values. EPIC’s work is distributed freely through our website and through the bi-weekly EPIC Alert newsletter. EPIC has no clients, no customers, and no shareholders. Therefore, EPIC has no commercial interest that would be furthered by disclosing the requested records.” (internal references omitted).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

Despite EPIC's detailed request for a blanket fee waiver, the S&T does not even acknowledge the issue. However, the S&T asserts that the Agency will "charge [EPIC] for records in accordance with the DHS Interim FOIA regulations as they apply to media requesters."¹⁵

This is not the first occasion on which a DHS component has blatantly ignored a direct request for a blanket fee waiver. Multiple times in the previous years, EPIC has received similar responses to FOIA requests, indicating that this is, in fact, a systemic problem.¹⁶ This improper denial of fee waiver violates the FOIA.¹⁷

For all the reasons set forth in EPIC's FOIA Request, EPIC appeals the S&T's treatment of EPIC's request for a blanket fee waiver.

EPIC Renews Its Request for "News Media" Fee Status

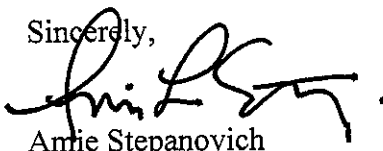
At this time, EPIC reiterates and renews all arguments that it should be granted "news media" fee status. EPIC is a non-profit, educational organization that routinely and systematically disseminates information to the public. EPIC is a representative of the news media.¹⁸

EPIC's status as a "news media" requester entitles it to receive requested records with only duplication fees assessed. In addition, because disclosure of this information will "contribute significantly to public understanding of the operations or activities of the government," any duplication fees should be waived.

Conclusion

Thank you for your prompt response to this appeal. I anticipate that you will provide a response within 20 working days of this appeal. If you have any questions, please feel free to contact me at (202) 483-1140 x 104 or foia@epic.org.

Sincerely,



Annie Stepanovich
EPIC Associate Litigation Counsel

/enclosures

¹⁵ Letter from Katrina Hagan, *supra* n. 2.

¹⁶ See, e.g., Letter from Kevin J. Janet, FOIA Officer, Freedom of Information Act Office, Transportation Security Administration, to Gautam Hans, EPIC Clerk, EPIC (June 24, 2010), available at http://epic.org/privacy/body_scanners/TSA_FOIA_Ack_Ltr_06_24_10.pdf; Letter Miles C. Wiley, III, Executive Secretary, Department of Homeland Security, to Cynthia J. Grady, EPIC (July 29, 2010) (on file with EPIC); Letter from Dorothy Pullo, Director, FOIA Division, Office of International Trade, Customs and Border Protection, to Annie Stepanovich, EPIC (Feb. 14, 2012) (on file with EPIC).

¹⁷ See 6 C.F.R. § 5.11(k)(2)-(3), *supra*, n. 9.

¹⁸ *EPIC v. Dep't of Defense*, *supra* n. 4.

Appendix 1

EPIC's April 4, 2012 FOIA Request to the DHS

epic.org

April 4, 2012

VIA CERTIFIED MAIL

Mary Ellen Callahan
 Chief Privacy Officer/Chief FOIA Officer
 The Privacy Office
 U.S. Department of Homeland Security
 245 Murray Drive SW, Building 410
 STOP-0655
 Washington, D.C. 20528-0655

1718 Connecticut Ave NW
 Suite 200
 Washington DC 20009
 USA
 +1 202 483 1140 [tel]
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 www.epic.org

Re: Freedom of Information Act Request

To Whom it May Concern:

This letter constitutes a request under the Freedom of Information Act.¹ This request is submitted on behalf of the Electronic Privacy Information Center ("EPIC") to the Department of Homeland Security ("DHS").

Background

On Tuesday, January 17, 2012, New York City Police Commissioner Raymond W. Kelly announced that the New York Police Department ("NYPD") was working with the U.S. Department of Defense ("DOD") in order to develop technology capable of detecting concealed firearms.² "The technology utilized terahertz waves, which sit on the electromagnetic spectrum between microwaves and infrared."³

The application of Terahertz waves could allow police officers to see through "walls, clothing, and packaging materials and immediately identify the unique terahertz waves of the materials contained inside."⁴ A research breakthrough, published in 2010 discovered how to use Terahertz technology at a distance of up to 67 feet.⁵ The researchers theorized that it would be possible to "identify materials

¹ 5 U.S.C. § 552 (2011).

² See Al Baker, *New York Police Working on Technology to Detect Concealed Guns*, N.Y. Times (Jan. 17, 2012, 4:39 PM), <http://cityroom.blogs.nytimes.com/2012/01/17/police-working-on-technology-to-detect-concealed-guns/>; Keith Wagstaff, *Police Developing Tech to Virtually Frisk People From 82 Feet Away*, Time Techland (Jan. 20, 2012), <http://techland.time.com/2012/01/20/police-developing-tech-to-virtually-frisk-people-from-82-feet-away/>.

³ *Police Developing Tech to Virtually Frisk People From 82 Feet Away*, *supra* n. 2.

⁴ Jess McNally, *Terahertz Detectors Could See Through Your Clothes From a Mile Away*, Wired (July 12, 2010, 3:16 PM), <http://www.wired.com/wiredscience/2010/07/terahertz-detection/>.

⁵ *Id.*

hundreds of feet or even miles away.”⁶ This research was funded primarily by DOD and DHS.⁷

Jingle Liu, the lead physicist on the project, which was run by Rensselaer Polytechnic Institute through Northeastern University, described the technology:

Two lasers at different frequencies aimed at the target together generate a plasma (basically excited, or ionized air). This plasma emits a fluorescence that is scattered in characteristic ways by the terahertz radiation of the material it hits. The reflection of the fluorescence is detectable from remote distances.⁸

The Terahertz waves detect a unique “fingerprint” that every substance carries, and can determine exactly what compound or compounds are being carried in packages, boxes, clothing, shoes, or backpacks.⁹ The researchers at Rensselaer have already started compiling a “library” of substance fingerprints.¹⁰ The technology does not work through liquid or metal.¹¹

The new terahertz technology is currently being tested at a Police shooting range in the Bronx.¹² Police spokesman Paul J. Browne told the New York Times that the technology is currently effective at three to five meters, and that the goal is to get it to work at up to 25 meters away from an individual.¹³

EPIC has previously obtained documents from the Department of Homeland Security (“DHS”) about the Department’s development of mobile body scanner and crowd surveillance technology. The documents detailed the Department’s use of equipment to scan crowds and pedestrians on the street. The documents reference the development of Terahertz technology and refer to it as “cutting edge.”¹⁴

Documents Requested

1. All correspondence, communications, and records of meetings between New York state officials and the federal government relating to the development

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Rensselaer: A Revolutionary Breakthrough in Terahertz Remote Sensing, <http://news.rpi.edu/update.do?artcenterkey=2748&setappvar=page%281%29> (last visited Mar. 22, 2012).

¹⁰ *Terahertz Detectors Could See Through Your Clothes From a Mile Away*, *supra* n. 4.

¹¹ *Id.*

¹² *New York Police Working on Technology to Detect Concealed Guns*, *supra* n. 2.

¹³ *Id.*

¹⁴ EPIC: FOIA documents disclosed by DHS in response to EPIC v. DHS, No. 11-0945 (D.D.C. filed May 20, 2011) at 104, *available at* http://epic.org/privacy/body_scanners/Mobile_Body_Scanner_FOIA_Aug_2011.pdf.

and implementation of the new terahertz technology to conduct electronically “frisk” individuals at a distance;

2. All unfiltered or unobscured 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;
5. All documents detailing plans to implement the new terahertz technology, including but not limited to New York City.

Request for News Media Fee Status

EPIC is a “representative of the news media” for FOIA purposes.¹⁵ Based on our status as a “news media” requester, we are entitled to receive the requested records with only duplication fees assessed.¹⁶ Further, consistent with the Department of Homeland Security regulations, any duplication fees should be waived because disclosure of the records requested herein “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government,” and “disclosure of the information ‘is not primarily in the commercial interest of [EPIC]’”.¹⁷

This FOIA request involves information on a research effort by the Department of Homeland Security. Responsive documents will hold a great informative value regarding activities of the Department that will have a significant public impact.

EPIC routinely and systematically disseminates information to the public. EPIC maintains several heavily visited websites that highlight breaking news concerning privacy and civil liberties. Two of EPIC’s websites, EPIC.org and PRIVACY.org, consistently appear at the top of search engine rankings for searches on “privacy.” EPIC also publishes a bi-weekly electronic newsletter, the EPIC Alert, which is distributed to around 20,000 readers, many who report on technology and privacy issues for major news outlets.¹⁸

¹⁵ *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003).

¹⁶ 6 C.F.R. § 5.11(c)(1)(i) (2011).

¹⁷ *Id.* at (k)(1).

¹⁸ See EPIC: EPIC Alert, <http://epic.org/alert/> (last visited Mar. 14, 2012).

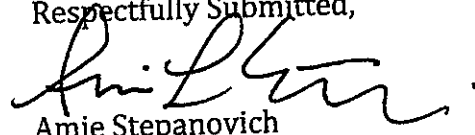
In addition, EPIC's FOIA documents have routinely been the subject of national news coverage. On a related matter, EPIC submitted a FOIA request to DHS for documents concerning the Department's development of mobile body scanner and crowd surveillance technology.¹⁹ The documents detailed the Department's use of equipment to scan crowds and pedestrians on the street.²⁰ EPIC was able to disseminate those documents to the public at large, which resulted in numerous news stories.²¹

EPIC is a non-profit, public interest research center that was established in 1994 to focus public attention on emerging civil liberties issues and to protect privacy, the First Amendment, and constitutional values.²² EPIC's work is distributed freely through our website and through the bi-weekly EPIC Alert newsletter. EPIC has no clients, no customers, and no shareholders. Therefore, EPIC has no commercial interest that would be furthered by disclosing the requested records.

Conclusion

Thank you for your consideration of this request. As provided in the FOIA, I will anticipate a determination within twenty (20) business days. For questions regarding this request I can be contacted at 202-483-1140, ext. 120, or FOIA@epic.org.

Respectfully Submitted,


Amie Stepanovich
EPIC National Security Counsel

¹⁹ See EPIC: EPIC Demands Documents from DHS about Mobile Body Scanners, Use of Devices at Trains Stations and Stadiums, <http://epic.org/2010/11/epic-demands-documents-from-dh.html> (last visited Mar. 23, 2012).

²⁰ EPIC: FOIA documents disclosed by DHS in response to EPIC v. DHS, No. 11-0945 (D.D.C. filed May 20, 2011), available at http://epic.org/privacy/body_scanners/Mobile_Body_Scanner_FOIA_Aug_2011.pdf.

²¹ See, e.g., Thomas Frank, *Homeland Security Looked into Covert Body Scans*, USA Today (Mar. 4, 2012, 2:22 AM), http://www.usatoday.com/news/washington/2011-03-04-body-scans04_ST_N.htm; Jaikumar Vijayan, *DHS Seeks System for Covert Body Scans, Documents Show*, ComputerWorld (Mar. 2, 2011, 3:44 PM),

http://www.computerworld.com/s/article/9212681/DHS_seeks_systems_for_covert_body_scans_documents_show; Samantha Murphy, *TSA Aimed to Put Body Scanners in Public Places*, the Christian Science Monitor (Mar. 4, 2011), <http://www.csmonitor.com/Business/2011/0304/TSA-aimed-to-put-body-scanners-in-public-places>.

²² EPIC: About EPIC, <http://epic.org/epic/about.html> (last visited Mar. 20, 2012).

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April 5, 2012
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Appendix 2

S&T's April 20, 2012 Acknowledgement of EPIC's FOIA Request



April 20, 2012

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

Re: **S&T 12-010**

Dear Ms. Stepanovich:

This acknowledges receipt of your April 4, 2012, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Privacy Office, for 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-04-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. Because your request was not specifically addressed to this office, your letter was initially sent to the DHS Privacy Office for routing and was received in the Science and Technology Directorate (S&T) on April 13, 2012.

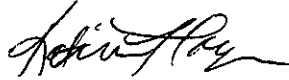
Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate offices of DHS S&T for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **S&T 12-010**. Please refer to this identifier in any future correspondence. You may contact this office at stfoia@dhs.gov or (202) 254-6342.

Sincerely,

A handwritten signature in black ink, appearing to read "Katrina Hagan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Katrina Hagan
FOIA Officer (Acting)

Appendix 3

S&T's May 3, 2012 Letter Requesting Clarification of EPIC's FOIA Request



**Homeland
Security**

Science and Technology

May 3, 2012

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

Re: **S&T 12-010**

Dear Ms. Stepanovich:

This letter is to advise you of further action taken on your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated April 4, 2012. You requested 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-04-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.

In processing the above referenced request, it was determined that responsive records have been identified. Within some of these responsive records, there are multiple pages that contain non-responsive information. DHS S&T is seeking your recommendation to deletion of non-responsive information without a FOIA exemption. Please provide a response within ten business days indicating that you object or concur to the deletion of non-responsive information without a FOIA exemption.

If you have any questions concerning this matter, you may contact this office at stfoia@dhs.gov or (202) 254-6342. Please refer to the assigned case number, **S&T 12-008**, in any future correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Katrina Hagan".

Katrina Hagan
FOIA Officer

Appendix 4

S&T's May 29, 2012 Letter Regarding Pre-Disclosure Notification to Companies Involved in
EPIC's FOIA Request



**Homeland
Security**

Science and Technology

May 29, 2012

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

Re: **S&T 12-010**

Dear Ms. Stepanovich:

This letter is to advise you of further action taken on your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Privacy Office, dated April 4, 2012. You requested 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-04-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.

In processing the above referenced request, it was determined that responsive records submitted by American Science and Engineering, Personal Protection Technologies, Raytheon Company, and Siemens Corporate R&D contain information that DHS has reason to believe may be protected from disclosure under FOIA Exemption 4 as confidential business information.

Executive Order 12600 (June 23, 1987) and the DHS FOIA regulations at 6 C.F.R. § 5.8(f) require that a government agency provide pre-disclosure notification to the submitter of business information whenever confidential commercial information has been requested under the FOIA. The business submitter is afforded ten (10) working days within which to provide the Department of Homeland Security with a statement of objection to disclosure. If this office decides to disclose business information over the objection of the business submitter, we must notify the business submitter in writing of the specified disclosure date, which is ten (10) working days after the notice of the final decision to release the requested information has been mailed to the submitter.

Due to the above requirements, you should anticipate some delay in receiving a final response to your request. However, this should not be construed as a denial of access. Upon receipt of the

above information, the documents will be processed in accordance with the Freedom of Information Act and mailed to you upon completion.

If you have any questions concerning this matter, you may contact this office at stfoia@dhs.gov or (202) 254-6342. Please refer to the assigned case number, S&T 12-010, in any future correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Katrina Hagan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Katrina Hagan
FOIA Officer (Acting)