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(CERTIFIED)

September 26, 2006

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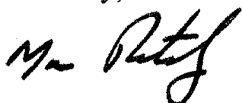
Dear Mr. Teufel:

Under the Homeland Security Act of 2002, the Chief Privacy Officer of the Department of Homeland Security has the responsibility for "preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of the Privacy Act of 1974, internal controls, and other matters." 6 U.S.C. § 142 (2006).

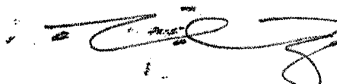
According to the DHS Privacy Office Reports page, the most recent report to Congress, for the period of April 2003 to June 2004, was published in February 2005.¹ One year ago this week, Chief Privacy Officer Nuala O'Connor Kelly said that she hoped the next annual report would be released "sometime in the end of next quarter."² And we note that the Inspector General for the Department of Homeland Security has routinely submitted the semiannual reports to Congress on a timely basis.³

As the Privacy Office now has over two years of operations on which there has been no annual report as required by statute, we would like to know when the annual report will be published.

Sincerely,



Marc Rotenberg
EPIC Executive Director



Melissa Ngo
Director, EPIC Identification
and Surveillance Project

cc: Chairman Susan Collins, Committee on Homeland Security
Ranking Member Joseph Lieberman, Committee on Homeland Security

¹ *Annual Privacy Report Issued*, PRIVACY MATTERS, February 2, 2005, at 1, available at http://www.dhs.gov/interweb/assetlibrary/privacy_newsletter_feb2005.pdf; http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0514.xml

² Official Meeting Minutes, Department of Homeland Security Data Privacy and Integrity Advisory Committee, September 28, 2005, at 3, available at http://www.dhs.gov/interweb/assetlibrary/privacy_advcom_09-2005_mins_am.pdf.

³ See Department of Homeland Security, Semiannual Reports to Congress, http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0330.xml