

VIA EMAIL

Email: foia@ondcp.eop.gov

October 15, 2026

Sandy Slater

Office of National Drug Control Policy, Office of Legal Counsel

1800 G Street NW, 9th Floor

Washington, DC 20503

(202) 395-6622

FOIA Request

Dear FOIA Officer:

This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (“EPIC”) to the Office of National Drug Control Policy (“ONDCP”).

EPIC seeks documents related to the ONDCP’s High Intensity Drug Trafficking Area (“HIDTA”) program.

Documents Requested

EPIC requests disclosure of the following documents:

1. The 2024 report commissioned by the ONDCP and conducted by MITRE assessing the privacy issues associated with the HIDTA program;¹
2. Any appendixes or other supplementary materials attached to the report described in (1) above; and
3. The “License Plate Reader Landscape Analysis” assessment referenced in both 2024 and 2025 Congressional Budget Submission by the ONDCP.²

¹ Letter from Sen. Ron Wyden to Sara Carter, Dir. of Off. of Nat’l Drug Control Pol’y, 69 (Oct. 8, 2026), <https://www.wyden.senate.gov/imo/media/doc/10082026wydenlettertoondcprequestingreleaseofhidtaprivacyreview.pdf>.

² *Congressional Budget Submission*, Off. of Nat’l Drug Control Pol’y, 2024, <https://bidenwhitehouse.archives.gov/wp-content/uploads/2023/03/FY-2024-ONDCP-CONGRESSIONAL-BUDGET-SUBMISSION-FINAL.pdf>; *Congressional Budget Submission*, Off. of Nat’l Drug Control Pol’y, 2025, 68 https://bidenwhitehouse.archives.gov/wp-content/uploads/2024/03/FY-2025-ONDCP-CONGRESSIONAL-BUDGET_SUBMISSION-FINAL.pdf.

Background

The HIDTA program is a grant managed by the ONDCP which was created in 1988 to operate in areas considered critical drug-trafficking regions of the country. The program coordinates all levels of law enforcement to address regional drug threats “with the purpose of reducing drug trafficking, drug production, and drug use in the United States.”³ There are 33 HIDTA programs across the country (which covers all states as well as Puerto Rico, the U.S. Virgin Islands, and the District of Columbia). HIDTA was previously used to fund the Hemisphere Project, a controversial phone record collection program which collected the largest number of phone records – more than a trillion records – to date, which includes location information.⁴

On September 30, 2026, 404 Media reported that the HIDTA program is now being used by the federal government to access data from automatic license plate readers (ALPR), which may include ALPRs from companies like Flock, Axon, and Motorola, from across the country.⁵ This collection of data from ALPRs is reminiscent of the Hemisphere project, and several jurisdictions are only able to use ALPRs on the condition that the data gets funneled into the HIDTA database.

The ONDCP commissioned a nonprofit technology research firm, MITRE, to conduct a review of the HIDTA program’s privacy issues. Both the Hemisphere project and HIDTA’s mass collection of ALPR data raise serious privacy concerns, prompting Senator Ron Wyden’s office to question the ONDCP about its funding of the Hemisphere project. The ONDCP informed Senator Wyden about the MITRE report and that it had ceased funding the Hemisphere project, but it has refused to share the report which was completed in 2024. The Hemisphere project faced backlash due to its indiscriminate collection of data, which allowed for the mass surveillance of individuals regardless of whether they were suspected of drug trafficking. The collection of ALPR data similarly provides the federal government with ongoing location information of countless individuals. The public deserves more information about the infringement of their privacy which is being funded by the ONDCP via the HIDTA program.

Request for Waiver of Fees

EPIC is a “representative of the news media” for fee classification purposes. *EPIC v. DOD*, 24 F. Supp. 2d 5 (D.D.C. 2003). Based on EPIC’s status as a “news media” requester, EPIC is entitled to receive the requested records with only duplication fees assessed. 5 U.S.C. § 552(a)(4)(A)(ii)(II); 21 CFR §§ 1401.11(c), 1401.15(a). Any further fees should be waived

³ *Information & Resources*, The White House, <https://www.whitehouse.gov/ondcp/information-resources/>.

⁴ *Fact Sheet: Data Analytical Services (DAS) Program (formerly known as Hemisphere)*, EPIC, <https://epic.org/documents/fact-sheet-data-analytical-services-das-program-formerly-known-as-hemisphere/>.

⁵ Jason Koebler, *How Cities Are Forced to Funnel License Plate Data to a Massive Federal Surveillance Program*, 404 Media (Sept. 30, 2026), <https://www.404media.co/how-cities-are-forced-to-funnel-license-plate-data-to-a-massive-federal-surveillance-program-hidta/>.

because the disclosure of the documents requested is in the public interest, “likely to contribute significantly to public understanding of the operations or activities of the government” and not in the commercial interest of EPIC, the requester. 21 CFR § 1401.15(b).

First, EPIC is entitled to a fee waiver because the requested records requested concern identifiable operations or activities of ONDCP and would “shed light on the operations or activities of the government.” 21 CFR § 1401.15(b)(1). The requested records would reveal important information regarding a program which is likely to impact the majority of individuals in the U.S. The records are directly and clearly related to the implementation of the HIDTA program. Therefore, this request concerns identifiable operations or activities of the ONDCP and the records have a direct connection to that activity. *Id.*

Second, disclosure of the requested records will significantly contribute to public understanding of those operations or activities. 21 CFR § 1401.15(b)(2). The HIDTA program likely implicates location information of countless individuals through the aggregation of license plate reader data. This type of indiscriminate mass surveillance has been widely criticized with Flock in particular gaining widespread national attention for its massive database of license plate reader data.⁶ EPIC has requested records which assess the privacy issues with HIDTA’s collection of license plate reader information among other surveillance programs. The documents requested by EPIC will be informative about what kinds of concerns and violations of personal privacy the HIDTA program is creating. Further, these records add new information to the public’s understanding because they are not already in the public domain. 21 CFR § 1401.15(b)(2)(i).

The requested records contribute to a broad audience, not just EPIC. 21 CFR § 1401.15(b)(2)(ii). EPIC is a recognized expert in the subject area of privacy, including surveillance technology. *Id.* EPIC routinely publishes reports, blog posts, social media posts, and other public education materials to broad audiences. Further, EPIC is a representative of the news media entitled to the presumption that disclosure will contribute to the understanding of a reasonably broad audience. *Id.*

Finally, EPIC is entitled to a fee waiver because disclosure of the requested records is not primarily in the commercial interest of EPIC, the requester. 21 CFR § 1401.15(b)(3). EPIC is a nonprofit research center established to protect privacy, freedom of expression, and democratic values in an information age.⁷ EPIC routinely publishes informative reports, blog posts, comments, and other materials aimed at informing the public of the ways that government and private entities impact the public’s privacy and civil rights. EPIC does not compile or sell information it obtains for economic return, and does not have any commercial, trade, or profit

⁶ Annie Gowen, *Americans are destroying license-plate cameras as surveillance backlash grows*, The Washington Post (Aug. 18, 2026), <https://www.washingtonpost.com/nation/2026/08/18/vandals-are-destroying-license-plate-cameras-amid-anger-over-surveillance/>.

⁷ *About Us*, EPIC, <https://epic.org/about/>.

interest in obtaining the records sought in this request. 21 CFR § 1401.15(b)(3)(i). Therefore, EPIC is entitled to a fee waiver. 21 CFR § 1401.15(b)(3).

For these reasons, a fee waiver is in the public interest and EPIC's request for a waiver should be granted.

Request for Expedited Processing

EPIC is entitled to expedited processing of this request under the FOIA. 5 U.S.C. § 552(a)(6)(E); 21 CFR § 1401.8(a).

First, EPIC is entitled to expedited processing of its request because it is primarily engaged in disseminating information to the public. 21 CFR § 1401.8(a)(2). Again, EPIC is a nonprofit research center and news media representative. EPIC routinely publishes reports and informative blog posts concerning privacy and civil liberties issues. As such, EPIC is primarily engaged in disseminating information to the public.

Second, EPIC is entitled to expedited processing because its request involves "an urgency to inform the public about an actual or alleged Federal Government activity." 21 CFR § 1401.8(a)(2). EPIC's request seeks to inform the public about ONDCP's broad surveillance of drivers across the country using its HIDTA program. Because of the broad, untargeted scope of this program, this data collection implicates every person driving in, out, or around major cities and small towns which use license plate readers and have been required to share data with the ONDCP. The lack of public information about this program as well as the increase in funding from the White House leaves the public with no ability to respond while the program expands swiftly. Moreover, the practice of law enforcement using ALPRs is currently being considered by Congress, with bills like the "Ban Flock Act"; the "Flock-Off Act"; and the "Protection Against Mass Surveillance Act" all proposing bans or regulations on the use of ALPRs. These records will inform a broad audience of government activities that are directly implicated by bills currently being considered by Congress that could come up for a vote in the coming weeks.⁸ Therefore, there is an urgency to inform the public and EPIC is entitled to expedited processing of its request. *Id.*

EPIC certifies that the above is true and correct to the best of its knowledge and belief. 21 CFR § 1401.8(b).

⁸ Geoff Earle, *House Republicans eye Flock camera crackdown as AOC tries to piggyback with her own bill*, New York Post (Oct. 10, 2026), <https://nypost.com/2026/10/10/us-news/house-gop-eyes-flock-camera-crackdown-after-aoc-joins-fight/>.

Conclusion

Thank you for your consideration of this request. EPIC anticipates your response to its request within ten (10) calendar days. 21 CFR § 1401.8(c). For questions regarding this request, please contact Jeramie Scott, FOIA@epic.org, cc: jscott@epic.org.

Respectfully submitted,

/s Jeramie D. Scott

Jeramie D. Scott

Senior Counsel

Director, EPIC Surveillance Oversight Program

/s Maya Al-Ahmad

Maya Al-Ahmad

EPIC Clerk