



U.S. Department of Justice
Drug Enforcement Administration
FOI/Records Management Section
8701 Morrissette Drive
Springfield, Virginia 22152

Case Number: 14-00009-F

NOV 13 2013

Subject: Information related to the Hemisphere Program

Bruce Friedrich
Electronic Privacy Information Center
1718 Connecticut Ave NW
Suite 200
Washington, DC 20009

Dear Mr. Friedrich:

This letter responds to your Freedom of Information/Privacy Act (FOI/PA) request dated September 25, 2013, addressed to the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), seeking access to information regarding the above subject.

Your request as written does not meet the requirements of the FOIA, 5 U.S.C. § 552 (a)(3)(A), since it does not reasonably describe records and is not filed in accordance with agency rules. The Department of Justice (DOJ) rules, contained at 28 C.F.R. § 16.3(a), provides that "if you are making a request for records about yourself see § 16.41(d) for additional requirements. If you are making a request for records about another individual, either a written authorization signed by that individual permitting disclosure of those records to you or proof that individual is deceased (for example, a copy of a death certificate or an obituary) will help the processing of your request" and 28 C.F.R. § 16.3(b) provides that "you must describe the records in enough detail to enable department personnel to locate them with a reasonable amount of effort" and when possible, your request should include specific information about each record sought such as the date, title or name, author, recipient and subject matter of the record. These specifics are important to determine the extent and scope of the search, and to determine the records that are responsive. DEA can make certain presumptions to overcome some of the deficiencies in your request, but not all of them.

Further, to retrieve the information that you may be seeking requires more specificity. Under the FOIA, an agency is not required to conduct research. DEA maintains several types of records and records systems. For example, in your letter, you are requesting, "*all Hemisphere training modules, request forms, and similar final guidance documents that are used in the day-to-day operation of the program. Any analyses, memos, opinions, or other communications that discuss the legal basis of the program and the privacy impact of the program. Any presentations, analyses, memos, opinions, or other communications for Congress that cover Hemisphere's operations.*" Yet, you have not specified a particular DEA office that you wish searched; or the type of record that would be responsive to your request. Be advised that there are approximately 22 DEA Field Divisions, over 250 domestic offices, and more than 150 Headquarters activities. Since your description did not limit the search to a specific office or area, a vast majority of DEA offices would be tasked to conduct a search of their respective offices for any responsive records pertaining to the subject of your request. As such, your request is overly broad and burdensome.

DEA is a component of the Department of Justice whose primary responsibility is the enforcement of Federal criminal laws related to the illicit trafficking in controlled substances and chemicals, including the Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. § 801 et seq. *See* 28 C.F.R. § 0.100. DEA maintains several types of records that include criminal and administrative investigatory records, regulatory records, administrative, program records, financial records and personnel records. Under the FOIA an agency is not required to research a topic, create records or engage in a far reaching search of every record system to satisfy a FOIA request.

The information that you request could be maintained in any one of several DEA records systems, including the DEA Investigative Reporting and Filing System (IRFS), DEA Correspondence Files, and/or several field or headquarters offices throughout DEA. Many of these systems are Privacy Act (PA) Systems of Records and the information maintained relates to the activities and actions of individuals. Generally, since our investigative records and systems involve the activities of individuals engaged in the illicit trafficking in controlled substances, the name, date of birth, and social security number are required to locate information, and a release authorization or other information as described in 28 C.F.R. § 16.3(a) is required.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

To this end, no further action will be initiated on this request until we are in receipt of your reformulated request. If this office does not receive your response within 30 days, DEA will assume that you do not wish to pursue this matter and your request will be administratively closed. Please forward your response to the following address:

DEA HEADQUARTERS
ATTN: FOIA/PA UNIT (SARF)
8701 MORRISSETTE DRIVE
SPRINGFIELD, VIRGINIA 22152

If you have any questions regarding this letter, you may contact FOI Specialist J. Delo on 202-307-7748.

Sincerely,



Katherine L. Myrick, Chief
Freedom of Information/Privacy Act Unit
FOI/Records Management Section