

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY INFORMATION CENTER,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF HOMELAND  
SECURITY,

Defendant.

Civ. Action No. 17-2047

**JOINT PROPOSED SCHEDULE**

Plaintiff Electronic Privacy Information Center (“EPIC”) and Defendant U.S. Department of Homeland Security (“DHS”) hereby submit the following Joint Status Report pursuant to the September 16, 2019 Minute Order.

1. The DHS Cybersecurity and Infrastructure Security Agency (“CISA”), formerly DHS National Protection and Programs Directorate (“NPPD”), has processed and released to EPIC some responsive records in this case.

2. As part of its processing, CISA referred certain documents to other DHS components as well as other federal agencies for review and direct responses.

3. As explained in prior joint reports, the parties have been working to try to narrow the issues in dispute.

4. As explained in the joint report filed on July 26, 2019 (ECF No. 17), CISA conducted supplemental searches of current CISA Director’s records as well as the records of two other agency employees. At that time, CISA informed EPIC that it had located 46,330 potentially

responsive records but acknowledged that the agency had not yet determined how many of those records were actually responsive or how many were duplicates.

5. In the last Joint Status Report (ECF No. 19), CISA explained that it had narrowed the total number potentially responsive pages from the supplemental search to approximately 1,411 and that CISA expected to complete its review of the records identified in the supplemental search by November 13, 2019. Additionally, in attempt to narrow the issues in dispute, CISA stated it would revisit some of the full redacted pages withheld remaining in dispute to determine if portions could be released.

6. On November 13, 2019, CISA sent a letter to Plaintiff explaining that it had completed its review. The letter explained that it had reviewed the 1,435 pages of potentially responsive records identified in the supplement search. Based on its review, CISA determined that one page is releasable in its entirety and 17 pages are partially releasable with portions withheld under Exemptions 5 and/or 6. CISA further determined that of the remaining pages 18 pages were duplicates, 1,283 were non-responsive, four pages required consultation with another agency and 24 pages were under the purview of the Office of the Director of National Intelligence (“ODNI”) and have been referred to the ODNI for processing and a direct response to Plaintiff. In the letter, CISA also explained that had reviewed 159 pages that were previously withheld in full and determined that (1) 131 pages were releasable in their entirety, (2) 10 pages were releasable in part with portions withheld under Exemptions 5 and/or 7(E), and (3) 18 pages continued to be withheld pursuant to Exemptions 5 and 7(E).

7. After reviewing all of the records produced thus far as well as a CISA-provided draft Vaughn Index of records withheld in full that are not drafts or e-mail chains, EPIC requested that CISA reprocess four categories of records previously withheld in full. These four categories of

information are: (1) Documents concerning contacts between the DHS and State Election Officials; (2) Election Task Force Meeting Minutes; (3) Documents about risk characterizations and analysis reports on Russian interference; and (4) Incident reports and vulnerabilities in election systems. EPIC explained that these documents relate to the interference in and vulnerabilities of the 2016 presidential election systems and that there is a strong public interest in making these records available to the public. EPIC believes that release of this information is critical for the public to understand past cyber incidents and vulnerabilities to election systems and whether or not the DHS has worked with states to ensure these systems are secure going forward.

8. In an effort to continue the parties' efforts to narrow the issues in dispute, CISA agreed to reprocess the documents in these four categories of which there are a total of 16 documents (94 pages) to see whether any additional information can be released. CISA will provide EPIC with an estimated time of completion of the reprocessing of the four categories of records by January 17, 2020.

9. The parties accordingly propose that they file a Joint Status Report on January 31, 2020.

Dated: November 22, 2019

Respectfully Submitted,

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