



FEMA

June 25, 2018

SENT VIA E-MAIL TO:

John Davisson
EPIC Appellate Advocacy Fellow
Jeramie D. Scott
EPIC National Security Counsel
Electronic Privacy Information Center
1718 Connecticut Avenue NW, Suite 200
Washington, DC 20009

Re: **FEMA FOIA Case Number 2018-FEFO-00726 Response**
DHS HQ FOIA # 2018-HQLI-00022
EPIC v. DHS, 18-cv-00545

Dear Mr. Davisson:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated September 9, 2016 and referred to the Federal Emergency Management Agency (FEMA) on April 25, 2018. You are seeking:

1. All policies and procedures concerning the collection, use, retention and dissemination of information obtained by DHS using drones/UAS;
2. All policies and procedures concerning the training and oversight of individuals who work on DHS drone/UAS programs and/or have access to personally identifiable information collected by the DHS using drones/UAS;
3. All policies and procedures concerning the DHS's processing of privacy, civil rights, and civil liberties complaints that arise from the DHS's use of drones/UAS;
4. All annual summaries of DHS drone/UAS operations, publications of which is mandated by the presidential memorandum of February 15, 2015, and;
5. The status report required by the presidential memorandum of February 15, 2015.

A search of FEMA's Privacy Office and Response and Geospatial Office for documents responsive to your request produced a total of 401 pages. Of those pages, I have determined that 398 pages of the records are releasable in their entirety and three (3) pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(6), FOIA Exemption 6.

FOIA Exemption 6 exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have the right to appeal if you disagree with FEMA's response. The procedure for administrative appeals is outlined in the DHS regulations at 6 C.F.R. § 5.8. In the event you wish to submit an appeal, we encourage you to both state the reason(s) you believe FEMA's initial determination on your FOIA request was erroneous in your correspondence, and include a copy of this letter with your appeal. Should you wish to do so, you must send your appeal within 90 days from the date of this letter to fema-foia@fema.dhs.gov, or alternatively, via mail at the following address:

FEMA
Office of the Chief Administrative Officer
Information Management Division (FOIA Appeals)
500 C Street, SW, Seventh Floor, Mail Stop 3172
Washington, D.C. 20472-3172

As part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770/Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact us and refer to FOIA case number **2018-FEFO-00726**. You may send an e-mail to fema-foia@fema.dhs.gov, call (202) 646-3323, or you may contact our FOIA Public Liaison in the same manner.

Sincerely,

Eric Neuschaefer
Chief, Disclosure Branch
Information Management Division
Mission Support

Enclosure(s): Responsive Documents (401 pages)

CC (via e-mail) w/o enclosures:
Victoria Rapoport, DHS
Johnny Walker, AUSA