

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

ELECTRONIC PRIVACY INFORMATION
CENTER

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

Civil Docket No. 17-410

DEFENDANT'S ANSWER

Defendant United States Department of Justice, by and through its undersigned counsel, hereby answers Plaintiff Electronic Privacy Information Center's (EPIC) complaint as follows.

1. Paragraph 1 contains a statement of Plaintiff's case, not factual allegations requiring a response.
2. Paragraph 2 contains a statement of Plaintiff's case, not factual allegations requiring a response.

JURISDICTION AND VENUE

3. Paragraph 3 contain Plaintiff's legal conclusions regarding jurisdiction, to which no response is required. To the extent that a response is deemed necessary, Defendant admits that this Court has jurisdiction over this action.

4. Paragraph 4 consists of Plaintiff's legal conclusions regarding venue, to which no response is required. To the extent that a response is deemed necessary, Defendant admits that venue is proper in this judicial district.

PARTIES

5. Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

6. Admit.

FACTS

7. Defendant lacks knowledge or sufficient information to form a belief as to the truth of the allegations in this paragraph. Moreover, this paragraph contains a link to an online article, to which no response is required. To the extent a response is required, the article link speaks for itself.

8. The allegations in paragraph 8 contain characterizations of Plaintiff's opinion of the use of evidence-based risk assessment tools, which require no response. Moreover, this paragraph contains links to news articles and other publicly available reference material, to which no response is required. To the extent a response is required, the online links speak for themselves.

9. The allegations in paragraph 9 contain characterizations of Plaintiff's opinion of the use of evidence-based risk assessment tools, which require no response. Moreover, this paragraph contains links to publicly available reference material, to which no response is required. To the extent a response is required, the online links speak for themselves.

10. The allegations in paragraph 10 contain characterizations of Plaintiff's opinion of DOJ policy, which require no response. Moreover, this paragraph contains a link to publicly available reference material, to which no response is required. To the extent a response is required, the online link speaks for itself.

11. The allegations in paragraph 11 contain characterizations of Plaintiff's opinion of

DOJ policy, which require no response. Moreover, this paragraph contains links to publicly available reference material, to which no response is required. To the extent a response may be deemed required, the online links provided by Plaintiff in the Complaint speak for themselves.

12. The allegations in paragraph 12 contain characterizations of Plaintiff's opinion of the public interest in DOJ policy, which require no response. To the extent a response may be deemed required, Defendant denies the allegations.

EPIC'S FOIA REQUEST

13. Admit that Defendant received a Freedom of Information Act ("FOIA") request from Plaintiff, dated June 15, 2016.

14. Paragraph 14 contains Plaintiff's characterizations of its FOIA request, which requires no response. To the extent a response may be deemed required, Defendant respectfully refers the Court to Plaintiff's FOIA request for a full and complete statement of its contents.

15. Paragraph 15 contains Plaintiff's characterizations of its FOIA request, which requires no response. To the extent a response may be deemed required, Defendant respectfully refers the Court to Plaintiff's FOIA request for a full and complete statement of its contents.

16. Paragraph 16 contains Plaintiff's characterizations of Defendant's August 9, 2016 correspondence to Plaintiff, which requires no response. To the extent a response may be deemed required, Defendant respectfully refers the Court to that letter for a full and complete statement of its contents.

EPIC'S Constructive Exhaustion of Administrative Remedies

17. Admit that 265 calendar days have passed between the date Defendant received the request (June 15, 2016) and the date Plaintiff filed the complaint (March 7, 2017).

18. Defendant admits Paragraph 18 only to the extent that, as of the date of Plaintiff's

Complaint, for the reasons set forth in Defendant's August 9, 2016 letter, it had not yet made a final determination regarding Plaintiff's FOIA Request. Defendant respectfully refers the Court to that letter for a full and complete statement of its contents.

19. Paragraph 19 consists of legal conclusions, to which no response is required. To the extent a response is deemed necessary, deny.

20. Paragraph 20 consists of legal conclusions, to which no response is required.

COUNT I

21. In Paragraph 21, Plaintiff realleges Paragraphs 1 through 20 as if fully stated therein. Defendant thus incorporates by reference its answers to those paragraphs.

22. Paragraph 22 consists of legal conclusions, to which no response is required.

23. Paragraph 23 consists of legal conclusions, to which no response is required.

COUNT II

24. In Paragraph 24, Plaintiff realleges Paragraphs 1 through 20 as if fully stated therein. Defendant thus incorporates by reference its answers to those paragraphs.

25. Paragraph 25 consists of legal conclusions, to which no response is required. To the extent a response is deemed necessary, deny.

26. Paragraph 26 consists of legal conclusions, to which no response is required.

27. Paragraph 27 consists of legal conclusions, to which no response is required.

The remainder of the Complaint sets forth Plaintiff's prayer for relief, to which no response is required. To the extent a response is required, Defendant denies that Plaintiff is entitled to the relief it seeks or to any relief.

Each and every allegation of the Complaint not heretofore expressly admitted or denied is hereby denied.

DEFENSES

1. Defendant's actions did not violate the FOIA or any other statutory or regulatory provision and as such, Plaintiff has failed to state a claim upon which relief may be granted.

2. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions of the FOIA, 5 U.S.C. § 552.

PRAYER FOR RELIEF

WHEREFORE, having fully answered, Defendant prays that:

1. This Court enter judgment for Defendant and dismiss this action with prejudice; and
2. Defendant be granted such further relief as the Court may deem just and proper.

Dated: May 19, 2017

Respectfully submitted,

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