



October 5, 2015

VIA CERTIFIED MAIL

Associate General Counsel (General Law)
U.S. Department of Homeland Security
Washington, DC 20528

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Washington DC 20009

USA

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www.epic.org

RE: Freedom of Information Act Appeal, FOIA Request No. 2015-HQFO-00690

Dear Associate General Counsel (General Law):

This letter constitutes an appeal under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(a)(6)(A),¹ and is submitted to the Associate General Counsel (General Law) of the Department of Homeland Security (“DHS”), by the Electronic Privacy Information Center (“EPIC”).

EPIC seeks the European Union-United States data protection “Umbrella Agreement” (Agreement). This letter appeals DHS’s decision to deny expedited treatment of EPIC’s request. EPIC also appeals DHS’s determination to conditionally grant EPIC’s request for a fee waiver.

This appeal arises from EPIC’s September 10, 2015, request (“EPIC’s FOIA Request”) to DHS for the Agreement on the data protection framework for EU-US law enforcement cooperation.

Procedural Background

On September 10, 2015, EPIC submitted via fax EPIC’s FOIA Request.² Included was a request for expedited treatment and a waiver of all assessable FOIA fees.

On September 21, 2015, DHS wrote to EPIC, acknowledging receipt of EPIC’s FOIA Request and assigning it the FOIA Reference Number 2015-HQFO-00690.³ In this letter, DHS denied EPIC’s request for expedited processing on the basis that “the lack of expedited treatment in this case will not pose an imminent threat to the life or physical safety of an individual,” further stating that EPIC’s FOIA Request “was conclusory in nature and did not present any facts to justify a grant of expedited processing under the applicable standards.”⁴ Additionally, DHS’s letter included a determination to conditionally grant EPIC’s fee waiver request based upon a

¹ See also, 6 C.F.R. § 5.9(a).

² EPIC’s FOIA Request (See Appendix A).

³ DHS’s Acknowledgment of FOIA Request (See Appendix B).

⁴ Id.

program offices as a result of the searches conducted in response to [EPIC's] FOIA request.”⁵ Specifically, DHS stated that it will “provide two hours of search time and process the first 100 pages at no charge,” however, “If upon review of these documents, DHS determines that the disclosure of information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny [EPIC's] request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver.”⁶

EPIC Appeals DHS's Denial of Expedited Processing

EPIC specifically appeals DHS's conclusory assertion that EPIC's FOIA Request has “not detailed with specificity” that there is “an urgency to inform the public about the request.”⁷ 6 C.F.R. § 5.5(d)(1) of the agency's regulations provides for two scenarios that establish an “urgency” for expedited processing: (i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information. DHS states that there is no “imminent threat to the life or physical safety of an individual” that might result from lack of expedited treatment.⁸ EPIC does not challenge this assertion, as it was not an argument raised in the FOIA request. EPIC does, however, appeal DHS's determination that EPIC's FOIA Request did not satisfy subsection (ii) of 6 C.F.R. § 5.5(d)(1) to warrant expedited processing.

First, DHS confirmed in its response that EPIC is “primarily engaged in the disseminating of information,”⁹ thus satisfying § 5.5(d)(1)(ii)'s requirement that the request be “made by a person primarily engaged in disseminating information.” Despite acknowledging EPIC's role in disseminating information DHS completely dismissed EPIC's statement of urgency as “conclusory” without asserting any specific facts to support the agency's determination. Contrary to DHS's conclusion that EPIC's FOIA Request did “not present any facts to justify a grant of expedited processing under the applicable standards,” EPIC's FOIA Request specifically enumerates a number of facts and circumstances that justify a finding of urgency, including bipartisan legislation currently pending in the U.S. Senate and U.S. House of Representatives that relies on the Agreement, as well as multiple news articles written about the Agreement.¹⁰ The existence of pending legislation and widespread news coverage regarding the Agreement demonstrates that EPIC does, in fact, have a timely interest in disseminating information related to the Agreement. In addition, should the legislation pass without an informed discussion by the public, it is possible that real harm may result from the lost opportunity for public participation. Without any specific support, the DHS's declaration that EPIC's concerns are merely conclusory seems, in itself, a conclusory denial.

⁵ *Id.*

⁶ *Id.*

⁷ *DHS's Acknowledgment of EPIC's FOIA Request (See Appendix B).*

⁸ *Id.*

⁹ *Id.*

¹⁰ *EPIC's FOIA Request (See Appendix A).*

Controlling caselaw in the D.C. Circuit also supports a grant of EPIC’s expedited processing request. In *Al-Fayed v. CIA*, the U.S. Court of Appeals analyzed three factors to determine whether expedition was appropriate: (1) whether the request “concerns a matter of current exigency to the American public”; (2) whether “the consequences of delaying a response would compromise a significant recognized interest”; and (3) whether “the request concerns federal government activity.” The court also noted that further consideration can be given to the “credibility of the requestor.”¹¹

The first and second factors are satisfied here. As explained in detail in EPIC’s FOIA Request, the Umbrella Agreement, which concerns the transnational transfer of personal information, lies at the heart of pending federal legislation—the Judicial Redress Act—that will significantly alter the scope of the Privacy Act of 1974.¹² Failure to disclose the Agreement will severely compromise the American public’s interest in an informed debate on the legislation’s merits. Should the legislation pass without an informed public debate, it is possible that real harm may result from the lost opportunity for public participation. Therefore, EPIC’s FOIA request both (1) “concerns a matter of current exigency to the American public” and (2) “the consequences of delaying a response would compromise a significant recognized interest.” The third factor, which requires that (3) the request involve some federal government activity, is easily met: the requested document is an agreement between the United States government and the European Union. Moreover, the timing of EPIC’s FOIA request is also connected to a federal government activity, namely the ongoing legislative process with regard to the Judicial Redress Act. Additionally, EPIC’s decades of work creating FOIA requests for the purpose of public education, as well as the academic literature produced by its Advisory Board, leaves no doubt as to its credibility. Because EPIC’s request satisfies all three of these factors, and because EPIC itself is a credible requestor, EPIC’S FOIA Request warrants expedited processing under the D.C. Circuit’s standard.

As stated in EPIC’s FOIA Request, approval and enactment of the EU-US Agreement would require the passing of a bill, a version of which has been introduced with bipartisan support in both the House and Senate. Without allowing access to the text of the Agreement, it is impossible for the American public to have an informed discussion on the matter, hamstringing the capacity of the American people to make their voices heard and expressed through their elected representatives. That fundamental cornerstone of American democracy must be considered “a significant recognized interest” for the FOIA, a law enacted to ensure that citizens are informed about the activities of their government, to carry any significance.

For the forgoing reasons the EPIC’s request for expedited processing should be granted.

EPIC Appeals the DHS’s Conditional Grant of the Fee Waiver Request

DHS stated that EPIC’s request for a fee waiver was conditionally granted upon consideration of the factors set forth in the agency’s FOIA regulations.¹³ The agency also stated that “pursuant to DHS regulation applicable to non-commercial requesters, [DHS will] provide

¹¹ *Al-Fayed v. CIA*, 254 F.3d 300, 310 (D.C. Cir. 2001).

¹² EPIC FOIA Request at 2.

¹³ *DHS’s Acknowledgment of FOIA Request* (See Appendix B).

two hours of search time and process the first 100 pages at no charge” and that “if upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees,” it will either deny the fee waiver in its entirety or only apply the fee waiver to qualifying materials.¹⁴

First, the agency failed to classify EPIC as a “representative of the news media.” In the FOIA Request, EPIC stated that it is a “representative of the news media” for fee classification purposes as determined by the District Court for the District of Columbia.¹⁵ As stated in § 5.11(d)(1), “no search fee [is] charged for requests made by . . . representatives of the news media.”¹⁶ Therefore, EPIC should not be assessed any search fees.

The agency also erred in failing to grant EPIC’s fee waiver request outright. A requester seeking a fee waiver must satisfy two requirements.¹⁷ First, the requester must demonstrate that “disclosure of the requested information is in the public interest because it is likely to contribute to the public understanding of the operations or activities of the government” Second, the requester must demonstrate that the “disclosure of the information is not primarily in the commercial interest of the requester.”¹⁸

As acknowledged by the DHS, the second requirement for granting a fee waiver is met. As you have conceded in your response, EPIC is not requesting the Agreement for any commercial purpose.¹⁹

In determining whether the first requirement is met, DHS considers four factors: (i) “whether the subject of the requested records concerns the operations or activities of the government”; (ii) “whether the disclosure is likely to contribute to an understanding of government operations or activities and the information is not already in the public domain”; (iii) “whether disclosure of the requested information will contribute to public understanding”; and/or (iv) “whether the disclosure is likely to contribute significantly to public understanding of government operations or activities.”²⁰

First, the subject of EU-US Umbrella Agreement concerns the “operations or activities of the government” because it involves the decision of US officials to transfer the personal data of Americans to European law enforcement agencies.

Second, the disclosure of this Agreement is “likely to contribute to an understanding of government operations or activities.” As of today, the contents of Agreement are not in the public domain, and therefore, the public is unaware of its operations and its possible effects on other laws, such as the Privacy Act of 1974.

¹⁴ *Id.*

¹⁵ See *EPIC’s FOIA Request* (See Appendix A).

¹⁶ 6 C.F.R. § 5.11(d)(1).

¹⁷ 6 C.F.R. § 5.11(k).

¹⁸ 6 C.F.R. § 5.11(k).

¹⁹ See *DHS’s Acknowledgment of FOIA Request* (See Appendix B).

²⁰ 6 C.F.R. § 5.11(k)(2).

Third, the disclosure of the Agreement will “contribute to public understanding.” Once the public is aware of the contents in the Agreement, they will be able to meaningfully assess the adequacy of the government’s framework for the protection of personal data, or participate in the legislative debate now underway in Congress.

Fourth, the disclosure of the Agreement will contribute “significantly to public understanding of government operations or activities.” Since the public does not have any information in regards to the Agreement, the release of the Agreement will contribute “significantly” to the public understanding of data transfer between EU and US now at issue.

Accordingly, EPIC should be classified as a “representative of news media,” which in effect will eliminate any search time charges. Additionally, EPIC fee waiver request should be granted.

Conclusion

For the forgoing reasons, EPIC’s request for expedited processing and fee waiver should be granted. As provided by FOIA, I anticipate you will make an “expeditious” determination but no later than within twenty (20) working days.²¹

Thank you for your consideration of this appeal. For questions, I can be contacted at 202-483-1140 x104 or FOIA@epic.org.

Respectfully Submitted,

Fanny Hidvegi
EPIC International Law Fellow

/enclosures

²¹ 5 U.S.C. § 552(a)(6)(A)(ii).

Appendix A:
EPIC's FOIA Request
September 10, 2015



BY FAX AND BY EMAIL

Fax: 202-343-4011

E-mail: foia@hq.dhs.gov

September 10, 2015

Karen Neuman
 Chief Privacy Officer/Chief FOIA Officer
 The Privacy Office
 U.S. Department of Homeland Security
 245 Murray Lane SW
 STOP-0655
 Washington, D.C. 20528-0655

1718 Connecticut Ave NW

Suite 200

Washington DC 20009

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Dear Ms. Neuman:

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 Department of Homeland Security ("DHS").

EPIC seeks the European Union-United States data protection "Umbrella Agreement" (Agreement), a framework for EU-US law enforcement cooperation.

Document Requested

The EU-US Umbrella Agreement on the data protection framework for EU-US law enforcement cooperation.

Background

According to a press release published this week, the United States and the European Union entered into an agreement for the transfer of personal data between US and EU law enforcement agencies.¹ The Agreement follows from a European Parliament initiative that called for a EU-US framework for the protection of personal data transferred in law enforcement investigations.² In May 2010, the Commission proposed a

¹ See Press Release, Questions and Answers on the EU-US data protection "Umbrella agreement", European Commission (Sept. 8, 2015), http://europa.eu/rapid/press-release_MEMO-15-5612_en.htm.

² Eur. Parl. Doc. (2009/2199(INI)), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:117E:0198:0206:EN:PDF>

draft mandate for negotiating such an agreement,³ and negotiations officially began in March of 2011.⁴

According to published news reports, EU and US officials have this week concluded negotiation over the Agreement.⁵ Further, on September 8, 2015, EU Commissioner Věra Jourová stated publicly that the parties “have *finalised* negotiations with the US on high data protection standards for transatlantic law enforcement cooperation.”⁶ Also on September 8, 2015, Representative James Sensenbrenner (R-WI) announced that “negotiations between the United States of America and the European Union regarding data protection standards have *ended* in an Umbrella Agreement.”⁷

Significantly, the Agreement requires enactment of amendments to the US Privacy Act of 1974 before it will have legal effect. Legislation currently pending in both the United States Senate and the United States House of Representatives seeks to implement key provisions of the Agreement.⁸

Expedited Processing

This request warrants expedited processing because (1) it is made by “a person primarily engaged in disseminating information” and (2) it pertains to a matter about which there is an “urgency to inform the public about an actual or alleged federal government activity.”⁹

3 European Commission Press Release, IP/10/609, *European Commission Seeks High Privacy Standards in EU-US Data Protection Agreement* (May 26, 2010), http://europa.eu/rapid/press-release_IP-10-609_en.htm?locale=en.

4 European Commission Memorandum, *EU-US Negotiations on an Agreement to Protect Personal Information Exchanged in the Context of Fighting Crime and Terrorism* (Mar. 29, 2011), http://europa.eu/rapid/press-release_MEMO-11-203_en.htm?locale=fr.

⁵ See Dustin Volz, *U.S. and Europe Forge Data-Protection Deal for Terrorism Cases*, National Journal (Sept. 8, 2015), <http://www.nationaljournal.com/tech/2015/09/08/u-s-europe-forge-data-protection-deal-terrorism-cases>.

6 European Commission Press Release, STATEMENT/15/5610, *Statement by EU Commissioner Věra Jourová on the finalisation of the EU-US negotiations on the data protection “Umbrella Agreement”* (Sept. 8, 2015), http://europa.eu/rapid/press-release_STATEMENT-15-5610_en.htm (emphasis added).

7 Press Release, Jim Sensenbrenner, *Judicial Redress Act Final Step in Umbrella Agreement with EU* (Sept. 8, 2015) <http://sensenbrenner.house.gov/news/documentsingle.aspx?DocumentID=397867> (emphasis added).

⁸ Judicial Redress Act of 2015, S. 1600, 114th Cong. (2015); Judicial Redress Act of 2015, H.R. 1428, 114th Cong. (2015).

⁹ 5 U.S.C. § 552(a)(6)(E)(v)(II) (2008); *Al-Fayed v. CIA*, 254 F.3d 300, 306 (D.C. Cir. 2001).

EPIC is “primarily engaged in disseminating information.”¹⁰ Further, EPIC has published articles and analysis on US-EU data transfers.¹¹ EPIC has advised Congress and government agencies as to proposed changes to the Privacy Act of 1974.¹² And EPIC has recommended that the Privacy Act be amended to create legal safeguards for non-US persons whose personal information is acquired by federal agencies.¹³

The “urgency to inform the public” is highlighted by the fact that legislation is currently pending in both the United States Senate and the United States House of Representatives that would implement key provisions of the Agreement. For the Agreement to take effect, Congress must pass a bill such as the Judicial Redress Act that would extend certain provisions of the Privacy Act of 1974 to non-US persons.¹⁴ Such measures have been introduced in the Senate—co-sponsored by Senator Orrin Hatch (R-UT) and Senator Chris Murphy (D-Conn.) and in the House of Representatives—co-sponsored by Rep. James Sensenbrenner (R-WI) and Rep. John Conyers (D-MI).¹⁵

There is also an “urgency to inform the public” about the contents of the Agreement because the record sought concerns a framework for government transfer of personal information about Europeans and Americans in transatlantic criminal and terrorism investigations. The urgency of this issue is indicated by articles published this week concerning the Agreement.¹⁶ Until the Agreement is released, the public is unable to meaningfully assess the adequacy of the government’s framework for the protection of personal data, or to participate in the legislative debate now underway in Congress.

¹⁰ *American Civil Liberties Union v. Department of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (“[T]he Court concludes that EPIC is indeed “primarily engaged in disseminating information” for the purposes of expediting the request.”).

¹¹ See Marc Rotenberg & David Jacobs, *Updating the Law of Information Privacy: The New Framework of the European Union*, 36 Harv. J.L. & Pub. Pol’y 605 (2013).

¹² Letter from EPIC to Sen. Daniel Akaka, Chairman of Subcomm. on Oversight Gov’t Mgmt. (May 12, 2012), <https://epic.org/privacy/1974act/EPIC-Supp-S1732-Priv-Act-Modernization.pdf>; Letter from EPIC to Privacy Civ. Liberties Oversight Bd. (Nov. 11, 2014), https://epic.org/open_gov/EPIC-Ltr-PCLOB-Defining-Privacy-Nov-11.pdf.

¹³ Marc Rotenberg, *On International Privacy: A Path Forward for the US and Europe*, 35 Harv. Int’l Rev. 24 (2014), <http://hir.harvard.edu/archives/5815>.

¹⁴ See Press Release, Murphy, Hatch Introduce Judicial Redress Act of 2015 (June 17, 2015) <http://www.murphy.senate.gov/newsroom/press-releases/murphy-hatch-introduce-judicial-redress-act-of-2015>.

¹⁵ Judicial Redress Act of 2015, S. 1600, 114th Cong. (2015); Judicial Redress Act of 2015, H.R. 1428, 114th Cong. (2015).

¹⁶ See, e.g., *What the E.U.-U.S. Umbrella Agreement Does—And Does Not—Mean for Privacy, Access* (Sept. 10, 2015), <https://www.accessnow.org/blog/2015/09/10/what-the-e.u.-u.s.-umbrella-agreement-does-and-does-not-mean-for-privacy>; Heather Greenfield, *CCIA Welcomes EU-US Data Transfer Agreement*, Computer & Comm. Indus. Assoc. (Sept. 8, 2015), <http://www.ccianet.org/2015/09/ccia-welcomes-eu-us-data-transfer-agreement/>.

Request for “News Media” Fee Status and Fee Waiver

EPIC is a “representative of the news media” for fee classification purposes.¹⁷ Based on EPIC’s status as a “news media” requester, EPIC is entitled to receive the requested record with only duplication fees assessed.¹⁸

Further, because disclosure of this information will “contribute significantly to public understanding of the operations or activities of the government,” any duplication fees should be waived.¹⁹ According to the agency’s regulations, a fee waiver should be granted because (i) the subject of the request concerns “the operations or activities of the government”; (ii) disclosure is “likely to contribute” to an understanding of government operations or activities and the information is not already in the public domain; (iii) the disclosure “will contribute to the understanding of a reasonably broad audience of persons interested in the subject,” and EPIC has the “expertise in the subject area and ability and intention to effectively convey information to the public” (As the agency notes, “[i]t shall be presumed that a representative of the news media will satisfy this consideration.”); and, (iv) the disclosure is likely “to contribute ‘significantly’ to public understanding of government operations or activities.”²⁰

Conclusion

Thank you for your consideration of this request. As provided in 5 U.S.C. § 552(a)(6)(E)(ii)(I), I will anticipate your determination on our request within ten business days. For questions regarding this request I can be contacted at 202-483-1140 x104 or FOIA@epic.org.

Respectfully Submitted,



Fanny Hidvegi
EPIC International Privacy Fellow

John Tran
EPIC FOIA Counsel
Coordinator, Open Government Project

¹⁷ *EPIC v. Department of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003).

¹⁸ 5 U.S.C. § 552(a)(4)(A)(ii)(II).

¹⁹ § 552(a)(4)(A)(iii).

²⁰ *See* 6 C.F.R. § 5.11(k).

Appendix B:
DHS's Acknowledgment of FOIA Request
September 21, 2015



**Homeland
Security**

Privacy Office, Mail Stop 0655

September 21, 2015

SENT VIA E-MAIL TO: TRAN@EPIC.ORG

John Tran
FOIA Counsel
EPIC
1718 Connecticut Ave. NW
Suite 200
Washington, DC 20009

Re: 2015-HQFO-00690

Dear Mr. Tran:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated September 10, 2015, and to your request for expedited handling and a waiver of all assessable FOIA fees. Specifically, you requested the EU-US Umbrella Agreement on the data protection framework for EU-US law enforcement cooperation. Our office received your request on September 10, 2015.

As it relates to your request for expedited treatment, your request is denied. Clearly, the lack of expedited treatment in this case will not pose an imminent threat to the life or physical safety of an individual. While you may be primarily engaged in the disseminating of information, you have not detailed with specificity why you feel there is an urgency to inform the public about the request. This urgency would need to exceed the public's right to know about government activity generally. Nor did you offer any supporting evidence of an interest of the public that is any greater than the public's general interest in this request. Your letter was conclusory in nature and did not present any facts to justify a grant of expedited processing under the applicable standards.

You have requested a fee waiver. The DHS FOIA Regulations at 6 CFR § 5.11(k)(2) set forth six factors DHS must evaluate to determine whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government," (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons, (4) Whether the contribution to public understanding of government operations or activities will be "significant," (5) Whether the requester has a commercial interest that would be furthered by the

requested disclosure, and (6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS regulations applicable to non-commercial requesters, provide two hours of search time and process the first 100 pages at no charge to you. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny your request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requestors. As a non-commercial requester you will be charged for any search time and duplication beyond the free two hours and 100 pages mentioned in the previous paragraph. You will be charged 10 cents per page for duplication and search time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances.

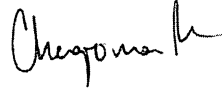
We have queried the appropriate component of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you deem the decision to deny expedited treatment of your request an adverse determination, you may exercise your appeal rights. Should you wish to do so, you must send your appeal and a copy of this letter within 60 days of receipt of this letter to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in Subpart A, Section 5.9, of the DHS Regulations. Your envelope and

letter should be marked "Freedom of Information Act Appeal." Copies of the DHS regulations are available at: www.dhs.gov/foia.

Your request has been assigned reference number **2015-HQFO-00690**. Please refer to this identifier in any future correspondence. To check the status of your FOIA request, you may contact this office at 1-866-431-0486 or 202-343-1743, or you may check the status of your request online at <http://www.dhs.gov/foia-status>.

Sincerely,

A handwritten signature in black ink, appearing to read "Chaquonna Price".

Chaquonna Price
FOIA Program Specialist