

Knight First Amend. Inst. at Columbia Univ. v.
Dep't of Homeland Sec.
No. 1:17-cv-00548-TSC

Answer

Ex. K



**Homeland
Security**

Privacy Office, Mail Stop 0655

April 27, 2017

SENT VIA E-MAIL TO: katie.fallow@knightcolumbia.org

Katherine Fallow
Knight First Amendment Institute at Columbia University
314 Low Library
535 West 116th Street
New York, NY 10027

Re: **2017-HQLI-00013**

Dear Ms. Fallow:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated March 15, 2017, and to your request for expedited handling and a waiver of all assessable FOIA fees. Our office received your request on March 28, 2017. Specifically, you requested the following records:

- 1) Records from Defendants' TECS database containing information about the number and reasons for each search, detention, retention, or sharing of individuals' electronic devices or the information accessible on them since fiscal year 2012;
- 2) Documents relating to each instance since fiscal year 2012 in which CBP or ICE searched, detained, retained, or shared an electronic device or the information accessible on it;
- 3) Revisions of or documents supplementing or superseding the CBP and ICE Directives concerning border searches of electronic devices;
- 4) Certain documents relating to any reviews of CBP's or ICE's policies or practices concerning electronic device searches;
- 5) Documents concerning or relating to complaints filed by individuals or organizations about CBP's or ICE's search, review, retention, or sharing of the information on travelers' electronic devices;
- 6) Documents reflecting policies, practices, or procedures concerning how CBP officers handle "privileged or other sensitive materials," including "work-related information carried by journalists" as described in the CBP Directive concerning border searches of electronic devices;
- 7) Documents reflecting policies, practices, and procedures concerning CBP's antidiscrimination policy as applied to discretionary electronic device searches.

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.

Your original FOIA request was assigned reference number **2017-HQFO-00585** and your request for expedited processing was initially denied because you did not qualify for either category under 6 C.F.R. § 5.5(d)(1). We are now granting expedited processing for this FOIA request.

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 requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher.

We have queried the appropriate component(s) 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.

Your request has been assigned reference number **2017-HQLI-00013**. 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,

Kevin Tyrrell
FOIA Program Specialist