

Exhibit B

From: "foia@hq.dhs.gov" <foia@hq.dhs.gov>
Date: Monday, October 5, 2020 at 2:44 PM
To: Melissa Chua <mchua@nylag.org>
Subject: Department of Homeland Security FOIA 2021-HQFO-00013 Acknowledgment

Good afternoon,

Attached is our acknowledgment of your DHS FOIA request. If you need to contact this office again concerning your request, please provide the DHS reference number. This will enable us to quickly retrieve the information you are seeking and reduce our response time. This office can be reached at 866-431-0486.

Regards,

DHS Privacy Office
Disclosure & FOIA Program
STOP 0655
Department of Homeland Security
245 Murray Drive, SW
Washington, DC 20528-0655
Telephone: 1-866-431-0486 or 202-343-1743
Fax: 202-343-4011
Visit our [FOIA website](#)



**Homeland
Security**

Privacy Office, Mail Stop 0655

October 5, 2020

SENT VIA E-MAIL TO: mchua@nylag.org

Melissa Chua
NYLAG
7 Hanover Square
18th Floor
New York, NY 10004

Re: 2021-HQFO-00013

Dear Ms. Chua:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated September 29, 2020, and your request for expedited handling and a waiver of all assessable FOIA fees. Our office received your request on September 29, 2020. Specifically, you requested:

1. Records relating to the authorization of ICE, HSI, or any other DHS personnel to respond to, assist in responding to, and/or support other law enforcement efforts related to Protests occurring in New York City between May 25, 2020, and the date of this request. This includes policies, operating procedures, rules, internal policy guidance, training materials, monitoring mechanisms, email messages, legal opinions or memoranda.
2. Records relating to any questioning, arrest, or surveillance activities of ICE, HSI, or any other DHS personnel related to Protests occurring in New York City between May 25, 2020, and the date of this request. This includes the presence of ICE HSI agents outside or around New York Police precincts, any limitations placed on ICE infogathered associated with such activities, any information or datasharing between NYPD and DHS/ICE.
3. Any and all records relating to the process ICE, HSI, or DHS use or have used to determine targets for Surveillance at Protests occurring in New York City between May 25, 2020, and the date of this request, including any Target Lists. Such records include, but are not limited to, the following:
 - a. Manuals, policies, or other guidance describing the use of CLEAR database in ICE operations;
 - b. Any and all records, including slides or other materials from trainings, on how target lists are built or created, including the keywords "TRSS" or "Thomson Reuters" or "CLEAR";

- c. Target lists sent from ICE to Thomson Reuters/TRSS and Thomson Reuters/TRSS response to those lists, including information regarding all personal data⁴ searched and lists of all targets confirmed or rejected as “false positives”;
 - d. All related communications between ICE and Thomson Reuters/TRSS including responses by ICE to the target lists.
4. Any Communications or Agreements with Local Government in New York City, including but not limited to the NYPD, relating to the deployment of ICE, HSI, or DHS personnel, equipment, and/or resources to support law enforcement efforts in New York City. Please also provide a list of all divisions of New York City Local Government (including, but not limited to, any task forces within the NYPD) that have Agreements with ICE, HSI, or DHS.
5. Communications or Agreements between ICE, HSI, or DHS, on the one hand, and Local Government in New York City, such as the NYPD, on the other hand, relating to the deployment of ICE, HSI, or DHS personnel, equipment, and/or resources to support law enforcement efforts undertaken in connection with Protests occurring in New York City between May 25, 2020, and the date of this request.
6. Presentations or other documents distributed in connection with meetings and/or teleconferences between ICE, HSI, or DHS personnel and Local Government in New York City, such as the NYPD. Such Records include, but are not limited to, meeting agenda, meeting minutes, presentations or other materials distributed either in electronic format or hardcopy to meeting participants, and any other materials used by or shown to meeting participants.
7. Any Communications between ICE, HSI, or DHS personnel and private security companies or personnel relating to the deployment of ICE, HSI, or DHS personnel, equipment, and/or resources to support law enforcement efforts undertaken in connection with Protests occurring in New York City between May 25, 2020, and the date of this request.
8. Records relating to information that ICE, HSI, or DHS personnel collected or sought to collect from protesters before, during, and after Protests occurring in New York City between May 25, 2020 and the date of this request, including the intended use of such Records.
9. Records relating to any arrests conducted by ICE, HSI, or other DHS personnel at Protests occurring in New York City between May 25, 2020, and the date of this request.

Due to the subject matter of your request, I am transferring this request to the FOIA Officers for U.S. Customs and Border Protection (CBP), U.S. Secret Service (USSS), and the Federal Protective Services (FPS) for processing under the FOIA and direct response to you. Contact information is provided below for your convenience.

U. S. Customs & Border Protection (CBP)
FOIA Officer
U.S. Customs and Border Protection
90 K Street, NE
FOIA Division
Washington, DC 20229

Phone: 202-325-0150

CBP Website

United States Secret Service (USSS)

Freedom of Information Act and Privacy Act Branch

245 Murray Lane, SW Building T-5

Washington, D.C. 20223

FOIA Officer/Public Liaison: Kevin Tyrrell

Phone: 202-406-6370

Fax: 202-406-5586

E-mail: FOIA@uss.s.dhs.gov

USSS Website

Federal Protective Services

The Privacy Office

Privacy Office, Mail Stop 0655

Department of Homeland Security

2707 Martin Luther King Jr. AVE SE

Washington, DC 20528-065

Phone: 202-343-1743 or 866-431-0486

Fax: 202-343-4011

E-mail: foia@hq.dhs.gov

The Privacy Office has determined that it may also have purview over the records requested under Items 1, 4, 5, 6, and 8 of your request. We therefore will retain a copy of your request and conduct a search for the records described in Items 1, 4, 5, 6, and 8. The Privacy Office will respond directly to you.

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. Part 5 § 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 under 6 C.F.R. Part 5 § 5.5(c). As your request seeks a voluminous amount of separate and distinct records, DHS will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

You have requested a fee waiver. The DHS FOIA regulations at 6 C.F.R. Part 5 § 5.11(k) 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 FOIA 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.

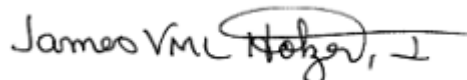
In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to non-commercial requesters. 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.

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 analysts 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 **2021-HQFO-00013**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://www.dhs.gov/foia-status>, by using this FOIA request number.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in black ink that reads "James VML Holzer, J." The signature is written in a cursive style with a large, sweeping flourish at the end.

James VML Holzer
Deputy Chief FOIA Officer