

Exhibit D

From: FOIA@usss.dhs.gov
Sent: Wednesday, October 7, 2020 9:25 AM
To: mchua@nylag.org
Subject: USSS 20210010
Attachments: Ack. Expedite Granted & Fee Waiver Abeyance. All Other Req. FOIA.PA.pdf

Dear Requester,

Please see the attached letter regarding the status of your FOIA/PA request. If you have any questions in regard to this matter, please contact this office at (202) 406-6370.

Thank you,

Freedom of Information Act & Privacy Act Program
United States Secret Service
245 Murray Lane, SW, Building T-5
Washington, DC 20223
Phone: (202) 406-6370
Fax: (202) 406-5586
Email: FOIA@USSS.DHS.GOV

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DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20223

Freedom of Information Act Program
Communications Center
245 Murray Lane, SW, Building T-5
Washington, D.C. 20223

Date: October 7, 2020

Melissa Chua
7 Hanover Square, 18th Floor
New York, New York 10004
Email: mchua@nylag.org

File Number: 20210010

Dear Requester:

This letter is intended to acknowledge the receipt of your recent Freedom of Information Act/Privacy Acts (FOIA/PA) request received by the United States Secret Service (Secret Service) on October 6, 2020, for information pertaining to Records of:

1. Authorization of ICE, HSI, any other DHS personnel to respond to, assist in responding to, and/or support other law enforcement efforts related to Protests in New York City, May 25, 2020, and the date of this request. Includes policies, operating procedures, rules, internal policy guidance, training materials, monitoring mechanisms, email messages, legal opinions or memoranda.
2. Any questioning, arrest, surveillance activities of ICE, HSI, other DHS personnel related to Protests in New York City, May 25, 2020, and the date of this request. Includes, presence of ICE HSI agents outside or around NYPD precincts, any limitations placed on ICE info gathered associated with such activities, any information or data sharing between NYPD and DHS/ICE.
3. Any/all records relating to the process ICE, HSI, or DHS use/have used to determine targets for Surveillance at Protests in New York City, May 25, 2020, and the date of this request; any Target Lists. Include/but not limited to: a. Manuals, policies, other guidance describing the use of CLEAR database in ICE operations; b. Any/all records, including slides or other materials from trainings, on how target lists are built or created, including the keywords "TRSS" or "Thomson Reuters," "CLEAR"; c. Target lists sent from ICE to Thomson Reuters/TRSS & Thomson Reuters/TRSS response to those lists, including information regarding all personal data⁴ searched & lists of all targets confirmed/rejected as "false positives"; d. All related communications between ICE & Thomson Reuters/TRSS including responses by ICE to the target lists.
4. Any Communications, agreements with Local Government in NY City, including but not limited

to the NYPD, relating to the deployment of ICE, HSI, DHS personnel, equipment, and/or resources to support law enforcement efforts in NY City. 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, agreements between ICE, HSI, or DHS, on the one hand, and Local Gov't in New York City, such as the NYPD, on the other hand, relating to the deployment of ICE, HSI, DHS personnel, equipment, and/or resources to support law enforcement efforts undertaken with Protests in New York City between May 25, 2020, and the date of this request.

6. Presentations, other documents distributed in connection with meetings and/or teleconferences between ICE, HSI, or DHS personnel, Local Gov't in New York City, the NYPD. Include, but are not limited to, meeting agenda & minutes, presentations, other materials distributed in electronic format or hardcopy to meeting participants; any other materials used by or shown to meeting participants.

7. Any Communications between ICE, HSI, or DHS personnel, 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 with Protests in NY City, May 25, 2020, and the date of this request.

8. Records relating to information that ICE, HSI, DHS personnel collected/sought to collect from protesters before, during, and after; and after Protests in NY City, May 25, 2020 and the date of this request, intended use of 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.

You have requested expedited processing of your request under the Department of Homeland Security (DHS) standard permitting expedition when a requester demonstrates a “compelling need.”

Your request, for expedited treatment, has been granted.

Under the DHS/FOIA regulation, 6 C.F.R., Chapter I, Part 5 § 5.5, expedited processing of a FOIA request is warranted if the request involves “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” ((d)(1)(i)), or “an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information” ((d)(1)(ii)). Requesters that seek expedited processing must submit a statement explaining, in detail, the basis for the request. Additionally, FOIA regulation 6 C.F.R., Chapter I, Part 5 § 5.5(d)(3), requires that statements be certified, by the requester, to be “true and correct to the best of that person’s knowledge and belief.”

Your request has been granted because you have demonstrated a need, under DHS/FOIA regulation 6 C.F.R., Chapter I, Part 5 § 5.5(d)(1)(i) or 5.5(d)(1)(ii), for expedited processing.

As it pertains to your request for a fee waiver, it will be held in abeyance pending the quantification of responsive records. The FOIA regulations, Title 6 C.F.R., Chapter I, Part 5 § 5.11(k)(2)(3), set forth six factors to examine when determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- 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 requestor or a narrow segment of interested persons;
- 4) Whether the contribution of 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 requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

In the event that your fee waiver is denied, we shall charge you for the records in accordance with Interim FOIA regulations as they apply to non-commercial (“all other”) requesters. The first 100 pages of duplication are free of charge. As an “all other” requester, you will be charged .10 cents a page for the duplication of each additional page. As an “all other” requester, the first 2 hours of search time are free of charge, after which you will be charged the per quarter-hour rate (\$4.00, \$7.00, \$10.25) of the searcher.

Furthermore, the submission of your request is viewed as an agreement, by you, to pay duplication and search time costs up to \$25.00. A search for files responsive to your request is being conducted. The appropriate components of the Secret Service are being queried for responsive documents. If any responsive records are located, they will be reviewed for a disclosure determination. You will be contacted before any additional fees are accrued.

Due to the increasing number of FOIA/PA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the FOIA regulations, 6 C.F.R, Chapter I, Part 5, the Service processes FOIA/PA requests according to their order of receipt.

Your request has been assigned FOIA/PA File No. 20210010. We solicit your cooperation and assure you that the search will be conducted as expeditiously as possible. To check the status of your FOIA request, please contact this office at (202) 406-6370.

Please use the file number indicated above in all future correspondence with this office.

Thank you,

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