

EXHIBIT C



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

May 16, 2022

Sent via email to: mkaufman@aclusocal.org

Michael Kaufman
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017

Subject: Freedom of Information Act Request No. 2022-IGFO-00158
Acknowledgement Letter

Dear Michael Kaufman:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated April 29, 2022 and received in this office on May 2, 2022, seeking records pertaining to deceased and hospitalized individuals, some of whom you listed in your request.

You requested expedited processing. For requests to be considered for expedited processing, the requester's letter must indicate the basis on which such treatment is sought. Requests will be taken out of chronological order based on the date of receipt and given expedited treatment only when it is determined they involve:

- (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information;
- (iii) The loss of substantial due process rights; or
- (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

6 C.F.R. § 5.5(e)(1)(i), (ii), (iii), (iv). Requesters seeking expedited processing are also required to submit a statement, certified to be true and correct, explaining in detail the basis for their request for expedited processing. 6 C.F.R. § 5.5(e)(3).

In your FOIA request you stated you are requesting expedited processing because for the following reasons:

“There is a “compelling need” for these records, as defined in the statute, because the information requested is “urgen[tly]” needed by an organization primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.””.

You also provided a statement detailing the bases of your request for expedited processing and certified it to be true and correct.

We have determined your request, as written, does establish the requirements under 6 C.F.R. § 5.5(e)(1) and 6 C.F.R. § 5.5(e)(3) and we have determined your request for expedited processing should be granted.

Regarding your request for a fee waiver, a fee waiver is appropriate when “disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” See 5 U.S.C. § 552(a)(4)(A)(iii). The “[d]isclosure of the requested information must: (1) shed light on ‘the operations or activities of the government’,(2) be ‘likely to contribute significantly to public understanding’ of those operations or activities and (3) the disclosure must not be primarily in the commercial interest of the requester.”

After a review of your FOIA request and consideration under the above factors, we have determined that your request for a fee waiver is appropriate and has met the statutory standard. We are granting your request for a fee waiver.

Should you have questions, contact us at 202-981-6100 or foia.oig@oig.dhs.gov. Please refer to the above-referenced tracking number if you contact us regarding your request.

Sincerely,

DHS-OIG FOIA Team