

# **Exhibit 12**

**From:** foia@hq.dhs.gov   
**Subject:** Department of Homeland Security FOIA 2022-HQFO-00975 Acknowledgment  
**Date:** May 10, 2022 at 5:34 PM  
**To:** aturner@advancing-america.org

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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](#)



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**Homeland  
Security**

*Privacy Office, Mail Stop 0655*

May 10, 2022

**SENT VIA E-MAIL TO: [aturner@advancing-america.org](mailto:aturner@advancing-america.org)**

Adam Turner  
CASA  
712 H Street NE, Ste 1414  
Washington, DC 20002

Re: **2022-HQFO-00975**

Dear Mr. Turner:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated May 03, 2022, and to your request for a waiver of all assessable FOIA fees. Specifically, you requested Specifically, we are seeking:

1) Communications establishing the Board's Leadership: All records that discuss or detail the creation of the Board, including its name, mission, operational activities, and leadership structure between or among the following list of DHS officials and individuals:

- a. Alejandro Mayorkas
- b. Rob Silvers
- c. Jennifer Gaskell
- d. Nina Jancowicz
- e. Marsha Espinosa
- f. Jen Easterly
- g. Lynn Parker Dupree
- h. Thomas McDermott
- i. Katherine Culliton-Gonzalez

Our office received your request on May 3, 2022.

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 documents that will require a thorough and wide-ranging search, 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 media requesters, process the first 100 pages free of charge. 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.

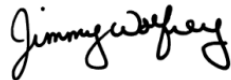
In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to media requesters. As a media requester you will be charged 10 cents per page for duplication; the first 100 pages are free. 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 **2022-HQFO-00975**. 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://foiarequest.dhs.gov/app/CheckStatus.aspx>, 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, appearing to read "Jimmy Wolfrey". The signature is written in a cursive, flowing style.

Jimmy Wolfrey  
Senior Director, FOIA Operations and Management  
(Acting)