



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

FEB 24 2016
Ref: 15-F-1498

MuckRock News
ATTN: Martin Peck
DEPT MR 19759
P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Peck:

This is the final response to your enclosed July 16, 2015, Freedom of Information Act (FOIA) requests for "the number of "HotPlug" forensic power override devices or equivalent in use or purchased by the agency. This is to include official CRU (r) WiebeTech (r) HotPlug (tm) systems or equivalent forensic power override systems by other suppliers." Your request was received in this office on July 16, 2015, and assigned FOIA case number 15-F-1498. We ask that you use this number when referring to your request.

The Under Secretary of Defense for Acquisition, Technology & Logistics (AT&L), a component of the Office of the Secretary of Defense (OSD), conducted a search of their records systems based on the information provided in your request. Mr. Robert R. Jarrett, Director of Operations, Defense Procurement & Acquisition Policy, and a FOIA Initial Denial Authority, stated that it is possible that contracts that acquired the requested items are present in the Electronic Documents Access (EDA) system; however, there are more than 30 million contracts in EDA, consisting of more than 45 million documents. No method exists for a complete text search of EDA, as some documents are scans of paper copies. The estimated time required to perform the necessary redactions of proprietary data, assuming 20 minutes per document, is estimated to be 15 million labor hours at an estimated cost of \$660 million.

According to DoD 5400.7-R § C1.5.7.2. "About electronic data, the issue of whether records are actually created or merely extracted from an existing database is not always readily apparent. Consequently, when responding to FOIA requests for electronic data where creation of a record, programming, or particular format are questionable, components should apply a standard of reasonableness. In other words, if the capability exists to respond to the request and the effort would be a business as usual approach, then the request should be processed. However, the request need not be processed where the capability to respond does not exist without a significant expenditure of resources, thus not being a normal business as usual approach. As used in this sense, a significant expenditure of resources in both time and manpower, that would cause a significant interference with the operation of the Components' automated information system would not be a business as usual approach."

AT&L has advised us that due to the number of responsive instances, the multiple documents that could apply for each instance, and the difficulty extracting documents for each

instance; your request fails to qualify as a reasonably described request that would allow us to conduct a search using a "business as usual" approach.

Please feel free to submit a new request that adheres to the "business as usual" approach at your convenience. If you can submit a new request identifying the sellers of the requested items and the dates that the items became available, then the number of documents to be reviewed from EDA would be reduced to a manageable scope.


You may also access the following web site: www.USASPENDING.gov, which contain public records identifying the contract action reports for any contracts acquiring the requested items.

In this instance, fees for processing your request were below the threshold for requiring payment; however, fees may be assessed on future requests.

If you are not satisfied with this action, you have the right to appeal to the appellate authority, the Director for Oversight and Compliance, Office of the Secretary of Defense, by writing directly to the Director of Oversight and Compliance, 9010 Defense Pentagon, Washington, DC 20301-9010. Your appeal must be postmarked within 60 calendar days of the date of this response. Alternately, you may submit your appeal electronically within 60 calendar days of the date of this response at the following link: <http://pal.whs.mil/palMain.aspx>. Your appeal should cite case number 15-F-1498 and be clearly marked "Freedom of Information Act Appeal."

Sincerely,



 Stephanie L. Carr
Chief

Enclosure:
As stated

15-F-1498

Date : Jul 16, 2015 9:30 GMT
To : 15713720500
From : fax@requests.muckrock.com
Subject: MR#19767-163209 - Freedom of Information Request: HotPluggedIn

July 16, 2015
Department of Defense, Office of the Secretary of Defense
Office of the Secretary of Defense
OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

The number of "HotPlug" forensic power override devices or equivalent in use or purchased by the agency. This is to include official CRU(r) WiebeTech(r) HotPlug(tm) systems or equivalent forensic power override systems by other suppliers. Please include processing notes for this request, even if request is denied in part.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM, DVD-R, or BD-R if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Martin Peck

Filed via MuckRock.com
E-mail (Preferred): 19767-30230655@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 19767
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.