

# Exhibit U



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

September 21, 2018

Mr. Jonathan Maines  
Civil Liberties and Transparency Clinic  
University at Buffalo School of Law, SUNY  
507 O'Brian Hall, North Campus  
Buffalo, NY 14260-1100  
Tel: 716.645.6222  
[jmmanes@buffalo.edu](mailto:jmmanes@buffalo.edu)

Subject:     OIG Freedom of Information Act  
              Request No. 2018-IGFO-00203  
              Expedition Denial

Dear Mr. Maines:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated September 10, 2018, seeking any reports, memoranda, internal inquiry, audit, evaluation, or other oversight activity that concerns hacking techniques or the use of equipment, software and or technology that implements or facilitates hacking techniques. Your request is also seeking any records that the OIG relied upon in the course of preparing reports or other documents in response to your above request. Your request was received in this office on September 13, 2018, and was assigned the above-referenced FOIA tracking number.

As it pertains to processing by DHS-OIG, in your letter you request expedited processing of your request. 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 that they involve: (1) circumstances in which lack of such treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or (2) where there is an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information. 6 C.F.R. § 5.5(d)(1)(i), (ii). Requesters seeking expedited processing are required to submit a statement explaining in detail the basis for their request for expedited processing,

and that statement must be certified to be true and correct. 6 C.F.R. § 5.5(d)(3).

You have requested expedited processing of your request under the Department's standard permitting expedition for requests involving urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information. 6 C.F.R. § 5.5(d)(1)(ii). Based on the information provided, DHS-OIG has determined that your request for expedited processing under this standard should be denied. Your letter fails to establish a particular urgency to inform the public about government activity beyond the public's right to know about government activity generally, as required by Department regulations. 6 C.F.R. § 5.5(d)(3).

Since your request does not meet the criteria for expedited review, your request has been placed in the queue for processing in the order in which it was received. Although DHS-OIG's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period under 5 U.S.C. § 552(a)(6)(B) for unusual circumstances. As your request will necessitate a thorough and wide-ranging search, DHS-OIG hereby invokes this 10-day extension for your request, and estimates a response to your request to be provided within 30 business days. Please note, however, that the actual time required to respond to your request depends on the number and types of responsive records identified and located in our records search. Unfortunately, we cannot predict exactly when your request will be processed, as we currently have a large backlog of requests. If you care 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.

DHS-OIG has not yet made a decision on your request for a fee waiver. We will do so after we determine whether fees will be assessed for DHS-OIG's processing of this request.

### **Appeal**

If you believe this to be an adverse determination on your request, you have the right to appeal this response.<sup>1</sup> Your appeal must be in writing

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<sup>1</sup> For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

and received within 90 days after the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit  
DHS/Inspector General  
STOP 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

Both the envelope and letter of appeal must be clearly marked "Freedom of Information Act Appeal." Your appeal letter must also clearly identify DHS-OIG's response. Additional information on submitting an appeal is set forth in the Department of Homeland Security regulations at 6 C.F.R. § 5.8.

**Assistance and Dispute Resolution Services**

Should you need assistance with your request to DHS-OIG, you may contact DHS-OIG's FOIA Public Liaison. You may also seek dispute resolution services from our FOIA Public Liaison. You may contact DHS-OIG's FOIA Public Liaison in any of the following ways:

FOIA Public Liaison  
DHS-OIG Counsel  
STOP 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305  
Phone: 202-254-4001  
Fax: 202-254-4398  
E-mail: [foia.oig@oig.dhs.gov](mailto:foia.oig@oig.dhs.gov)

Additionally, the 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

To check the status of your FOIA request to DHS-OIG, contact us at 202-981-6336, foia.oig@oig.dhs.gov, or check status online at <http://www.dhs.gov/foia-status>. Refer to the above-referenced tracking number if you contact us regarding your request. If we require additional information, we will contact you.

Sincerely,

*Glenn Lewis*

Glenn Lewis  
FOIA/PA Disclosure Specialist