

EXHIBIT C



U.S. Department of Justice
Drug Enforcement Administration
FOI/Records Management Section
8701 Morrisette Drive
Springfield, Virginia 22152

Case Number: 19-00270-F

FEB 14 2019

Subject: Records concerning DEA's purchase and use of face recognition and other biometric recognition technologies from January 1, 2015 to the present

Nathan Wessler
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, New York 10004
nwessler@aclu.org

Dear Mr. Wessler:

This letter responds to your Freedom of Information/Privacy Act request emailed January 18, 2019, to the DEA.FOIA mailbox, seeking access to DEA records. Your request has been opened and assigned the above case number. Please include this case number when communicating with this office.

The records you seek require searches in another office or offices, and so your request falls within "unusual circumstances." *See* 5 U.S.C. § 552(a)(6)(B)(i)-(iii). Because of these unusual circumstances, we are extending the time limit to respond to your request beyond the ten additional days provided by the statute. We have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. For your information, this office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately one month, whereas complex requests necessarily take longer. At this time, your request has been assigned to the complex track. You may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located; or you may wish to await the completion of our records search to discuss either of these options.

As you are aware, the FOIA provides for three categories of requesters. *See* 5 U.S.C. § 552(a)(4)(A)(ii). The FOIA defines a representative of the news media as a person or entity "that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." *Id.* at § 552(a)(4)(A)(iii); *see also Cause of Action v. FTC*, 799 F.3d 1108 (D.C. Cir. 2015). We have determined that you are making this request as a "representative of the news media," therefore; you will not be charged search fees.

Case Number: 19-00270-F

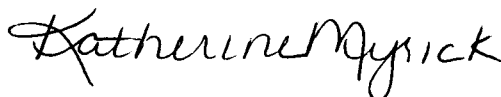
Page 2

We regret the necessity of this delay, but please be assured that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact Government Information Specialist Jewell W. Carroll at 202-307-4006, our Customer Service Hotline Representative at 202-307-7596 or mail your correspondence to:

DEA HEADQUARTERS
ATTN: FOI/PA UNIT (SARF)
8701 MORRISSETTE DRIVE
SPRINGFIELD, VIRGINIA 22152

In addition, you may wish to visit our website at www.dea.gov to determine if the information you are requesting is already available to the public. You may contact our FOIA Public Liaison at 202-307-7596 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Katherine L. Myrick, Chief
Freedom of Information/Privacy Act Unit
FOI/Records Management Section



U.S. Department of Justice
Drug Enforcement Administration
FOI/Records Management Section
8701 Morrisette Drive
Springfield, Virginia 22152

FEB 14 2018

Case Number: 19-00270-F

Subject: Records concerning DEA's purchase and use of face recognition and other biometric recognition technologies from January 1, 2015 to the present

Nathan Wessler
American Civil Liberties Union (ACLU)
125 Broad Street, 18th Floor
New York, New York 10004
nwessler@aclu.org

Dear Mr. Wessler:

This letter responds to your Freedom of Information/Privacy Act request emailed January 18, 2019, to the DEA.FOIA mailbox, seeking expedited treatment. Your request has been opened and assigned the above case number. Please include this case number when corresponding with this office.

In your request letter, you request expedited treatment pursuant to the first, second, third, and/or fourth standards enumerated in the Department of Justice's regulations. Expedited treatment pursuant to the first standard will be granted where not doing so "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual." 5 U.S.C. § 552(a)(6)(E)(v)(I). *See also* 28 C.F.R. § 16.5(e)(1)(i) (2015). Under the second standard, you must show that there is "[a]n urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II). *See also* 28 C.F.R. § 16.5(e)(1)(ii) (2015). Under the third standard, you must show that the request involves "[t]he loss of substantial due process rights." 28 C.F.R. § 16.5(e)(1)(iii) (2015). Under the fourth standard, you must show that the subject matter of your request is a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." *Id.* at § 16.5(e)(1)(iv). This office makes determinations regarding the first three standards, while the Department's Director of Public Affairs makes determinations regarding the fourth standard. *See id.* at § 16.5(e)(2).

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." 28 C.F.R. § 16.5(e)(1)(ii) (2015). Based on the information you have provided, we have determined that your request for expedited processing under this

Case Number: 19-00270-F

Page 2

standard should be denied. This office cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally. Please be advised that, although your request for expedited processing has been denied; it has been assigned to a Government Information Specialist in this office.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following website: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact our Customer Service Hotline Representative at 202-307-7596 or mail your correspondence to the above address.

Sincerely,



Katherine L. Myrick, Chief
Freedom of Information/Privacy Act Unit
FOI/Records Management Section



U.S. Department of Justice
Drug Enforcement Administration
FOI/Records Management Section
8701 Morrissette Drive
Springfield, Virginia 22152

Case Number: 19-00270-F

APR 12 2019

Subject: Records concerning DEA's purchase and use of face recognition and other biometric recognition technologies, including information related to Rekognition or Face API face recognition technology by Amazon and Amazon Web Services (AWS) and Microsoft, and records pertaining to FBI's FACE services or NGI database from January 1, 2015 to the present

Nathan Wessler
American Civil Liberties Union (ACLU)
125 Broad Street, 18th Floor
New York, New York 10004
nwessler@aclu.org

Dear Mr. Wessler:

This letter responds to your Freedom of Information Act/Privacy Act request dated January 18, 2019, received by the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), seeking access to information regarding the above subject.

Please be advised that your request has been assigned and is being handled as expeditiously as possible. If you have any questions regarding the status of your request, please contact Paralegal Amber L. Freeman at 202-307-6817 or include your case number and forward your correspondence to the following address:

DEA HEADQUARTERS
ATTN: FOI/PA UNIT (SARF)
8701 MORRISSETTE DRIVE
SPRINGFIELD, VIRGINIA 22152

Sincerely,

A handwritten signature in cursive script that reads "Angela D. Hertel".

Katherine L. Myrick, Chief
Freedom of Information/Privacy Act Unit
FOI/Records Management Section