

# Exhibit C

September 13, 2019

Via certified mail

Kim Hutchinson  
Deputy Agency Chief FOIA Officer  
U.S. Department of Health and Human Services  
Office of the Assistant Secretary for Public Affairs  
Room 729H  
200 Independence Avenue, S.W.  
Washington, DC 20201



ACLU of New York

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Donna Lieberman  
*Executive Director*

Robin Willner  
*President*

Re: FOIA Appeal of Constructive Denial of Requests for Records and Expedited Processing

Dear Ms. Hutchinson:

We write with reference to the Freedom of Information Act request that the New York Civil Liberties Union submitted to the Administration for Children and Families on August 12, 2019. Having received no response from ACF to our FOIA request in over 20 business days, we hereby appeal ACF's constructive denial of the request, including our request for expedited processing.

The NYCLU originally submitted the FOIA request to ACF via an email to foia@acf.hhs.gov on August 12, 2019. The request sought records concerning the Office of Refugee Resettlement's involvement in a grant program administered by the Office of Juvenile Justice and Delinquency Prevention entitled "OJJDP FY 2018 Gang Suppression: A Law Enforcement and Prosecutorial Approach to Address Gang Recruitment of Unaccompanied Alien Children, OJJDP-2018-13845." The NYCLU also sought expedited processing of the request. A copy of the FOIA request, as well as the email to which we attached the request, are enclosed for your reference.

The FOIA requires that an agency respond to a records request within 20 business days of receiving it. 5 U.S.C. § 552(a)(6)(A)(i). The FOIA and applicable regulations further require that ACF respond to a request for expedited processing within ten days. *Id.* § 552(a)(6)(E)(ii); 45 C.F.R. § 5.27(c). As of today, over 20 business days since receiving the request, ACF has failed to respond to the FOIA request in any way. ACF's failure timely to respond to the FOIA request and our request for expedited processing constitutes a constructive denial of those requests, which the NYCLU hereby appeals.

The FOIA requires you to render a decision on this appeal within 20 business days of receipt. 5 U.S.C. § 552(a)(6)(A)(ii); 45 C.F.R. § 5.63. Please direct correspondence regarding this appeal to Antony Gemmell, New York Civil Liberties Union, 125 Broad Street, 19th Floor, New York, New York 10004.

We await your response.

Yours sincerely,

A handwritten signature in black ink that reads "Antony Gemmell". The signature is written in a cursive, slightly slanted style.

Antony Gemmell  
*Staff Attorney*

Enclosures