




Homeland Security

Privacy Office, Mail Stop 0655

July 7, 2009

MEMORANDUM FOR: All DHS FOIA Officers

FROM: Mary Ellen Callahan 
Chief FOIA Officer and Chief Privacy Officer

SUBJECT: Guidelines for Reporting on Significant FOIA Activity for
Inclusion in the Cabinet Report to the White House

Every Thursday, components must report significant FOIA activities, including significant FOIA releases, for the past working week to the Privacy Office. The Privacy Office FOIA leadership integrates the information into its weekly report to the White House Liaison. Negative reports are required.

Guidelines for submissions:

1. Submit items by e-mail within the text of the e-mail, not attachments.
2. Submit incoming FOIA requests and appeals, significant FOIA releases, and FOIA litigation information.
3. Select FOIA requests for submission if one of the following criteria are met:
 - a. The FOIA request relates to a Presidential or agency priority;
 - b. The FOIA requester or requested documents will garner media attention or is receiving media attention;
 - c. The FOIA request is for documents associated with meetings with prominent elected, business, and/or community leaders;
 - d. The FOIA request is for congressional correspondence;
 - e. The FOIA request is from a member of Congress;
 - f. The FOIA request is from a member of the media;
 - g. The FOIA request is from a member of an activist group, watchdog organization, special interest group, etc.;
 - h. The FOIA request is for documents associated with a controversial or sensitive subject;
 - i. The FOIA request is for documents associated with a senior official of the component;
 - j. A FOIA appeal if it meets one of the "a" through "i" criteria;
4. Items listed above in 3 are suggestive and not exclusive – exercise prudent judgment and submit items that reflect the spirit and intent of this report. If in doubt, please submit.
5. Submissions found not to meet the above criteria may not be included in the final Cabinet

Report to the White House.

Unless the Item 3 criteria is met, do not report the following (not an exhaustive or exclusive list):

1. Requests for contracts or grants
2. Requests for "A" files
3. Requests for FOIA logs
4. Requests for incident reports (including boating incidents, etc.)
5. Requests for budget documents
6. Requests for genealogy documents
7. 3rd party requests for personnel training or employee records
8. Privacy Act requests

Format for submitting FOIA items to the weekly report:

1. Identify the requester's name, city and state (spell out name of state).
2. Identify the requester by affiliation (private citizen, organization membership, etc.).
3. Identify your component as the receiving component (in the case of transfers within DHS, the initial component receiving the request will report the item).
4. Provide a brief description of any lesser-known organization's mission.
5. The first time an acronym is used it should follow its full title and be in parentheses
6. Provide a brief summary of the requested records.
7. Italicize large publications, but use quotes for smaller units within publications. Do not abbreviate media names.
8. Do not use any bullets in your formatting.
9. Any elected official needs to include party, state affiliation, and district if applicable: Senator John Smith (R-NY), Representative John Smith (R, IN-01).
10. If the FOIA request has been assigned to sub-component(s), identify the sub-component(s) to whom it has been assigned
11. If submitting FOIA items related to FOIA releases, please indicate the scope of the submission (number of released pages) as well as identifying any exemptions that may have been taken.

Editing Reminders:

1. Spell out the month.
2. Numbers 10 and above and periods of time, distance, percentage, money, age, and measurement should be expressed in numerals, not words, except when a number begins a sentence.
3. Spell out "percent."
4. Use comma before "and" in a series – i.e. "Federal, State, and local officials."
5. Capitalize "Federal", "State" (when referring to a unit of government), official titles, "Nation" (when referring to the United States), and "Members of Congress."
6. Begin paragraph with "On (month) (date)". Do not add "th" or "st" after date.
7. If there is a continuous event, please type out "through" instead of adding a dash.

Sample format:

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- The Coast Guard recently announced plans to post on its web site all times, dates, and agendas of the Commandant's meetings with representatives of private industry within 24 hours.

II. FOIA requests

- On June 25, 2009, **Emily Ramshaw** of *The Dallas Morning News* in Austin, Texas, requested from Immigration and Customs Enforcement (ICE) the following, as they pertain to a provided list of Texas detention facilities: 1) All inspection/conditions reports since January 1, 2007; 2) The number of abuse, neglect or exploitation allegations at each of these facilities in each of the last two years and the percentage that were confirmed; and 3) The number of psychiatrists or psychologists currently employed at each of these facilities.
- On June 26, 2009, **Kate Brumback**, a reporter for the *Associated Press*, in Washington, D.C, requested from U.S. Immigration and Customs Enforcement (ICE) information related to a former detainee at the Stewart Detention Facility in Lumpkin, Georgia, who passed away during a stay at a hospital in Columbus, Georgia, while in custody on March 11, 2009.
- On June 30, 2009, **Timothy Kehrer**, a representative from the **Democratic Senatorial Campaign Committee** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) all correspondence between USCIS and the following Senators: Michael Bennet (D-CO), Robert Bennett (R-UT), Barbara Boxer (D-CA), Jim Bunning (R-KY), Richard Burr (R-NC), Christopher Dodd (D-CT), Kirsten Gillibrand (D-NY), Blanche Lincoln (D-AK), Harry Reid (D-NV), Arlen Specter (D-PA), and David Vitter (R-LA).

III. FOIA releases

- On May 12, 2009, the Department of Homeland Security (DHS) Privacy Office released to *The Washington Times* a 97-page log of Congressional correspondence. Certain information withheld pursuant to FOIA Exemption 6.

IV. FOIA litigation

- DHS was named as a defendant in *Smith v. U.S.* in which Smith is challenging his arrest at a border crossing in El Paso as unconstitutional.

Please direct any questions regarding this requirement to Vania T. Lockett, Associate Director of Disclosure and FOIA, at 703-235-0790.