

Exhibit S

16 Dec 2009

Subject: **RE: pending FOIA and PA appeals**
Date sent: **Wed, 16 Dec 2009 14:12:53 -0500**
From: **"KAY, ELISSA G" <elissa.kay@dhs.gov>**
To: **"Edward Hasbrouck" <edward@hasbrouck.org>**

Mr. Hasbrouck, the number I provided 2010F03575 applies to a new FOIA request for entry/exits, secondary exams, and PNR data; which last evening I agreed to provide to you.

My office handles the initial FOIA requests, and not appeals. I referred your appeal(s) requests/information to the FOIA Appeals and Litigation Branch, and Shari Suzuki, the Branch Chief, will be contacting you shortly.

If you have any further questions, don't hesitate to contact me.

Regards,

Elissa Kay
FOIA Division, Acting Director
Customs and Border Protection
799 9th Street, NW, Mint Annex
Washington, DC 20229
202-325-0175
202-325-0230 (7th floor fax) or 202-325-0700 (10th floor fax)
202-325-0150 (FOIA Main #)

'Life isn't about how to survive the storm but how to dance in the rain.'

-----Original Message-----

From: Edward Hasbrouck [<mailto:edward@hasbrouck.org>]
Sent: Wednesday, December 16, 2009 2:06 PM
To: KAY, ELISSA G
Subject: Re: pending FOIA and PA appeals

On 16 Dec 2009 at 13:58, "KAY, ELISSA G" <KAY, ELISSA G <elissa.kay@dhs.gov>> wrote:

> Mr. Hasbrouck: I have assigned FOIA tracking number 2010F03575. I have
> consulted with Shari Suzuki regarding your appeal(s), and she will be
> contacting you shortly.
>
> If you have any other questions, please contact me.

To which of my 4 pending appeals have you assigned this tracking number?

FAP 0019

And what numbers have been assigned to the other 3 appeals?

Please forgive my uncertainty. Since I have multiple appeals pending, and because there have been problems in the past, I want to be sure that I have the correct tracking numbers for each appeal, as listed below:

> > Thank you very much! Could you please advise me of the tracking number
> > assigned to each of the 4 respective appeals, and the point of contact
> > for whichever office or person each of them has been assigned to:
> >
> > (1) Privacy Act appeal of incomplete response to Privacy Act request
> > 2007F4114
> >
> > (2) Privacy Act appeal of constructive denial of 2009 request for
ATS,
> > APIS, BCIS, ADIS, and TECS records
> >
> > (3) FOIA and Privacy Act appeal of constructive denial of request
for
> > records related to processing of Privacy Act request and appeal
> > 2007F4114
> >
> > (4) FOIA appeal of constructive denial of request for records
related to
> > search and retrieval systems and methods for the ATS, APIS, BCIS,
ADIS,
> > and TECS systems.

Sincerely,

Edward Hasbrouck

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