

Exhibit X



Homeland Security

January 24, 2011

Mr. Edward Hasbrouck
The Identity Project
1736 Franklin Street, 9th Floor
Oakland, CA 94612

Re: **DHS/OS/PRIV 10-1019**

Dear Mr. Hasbrouck:

This our final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated August 17, 2010 and your request for a fee waiver. Your request was received in this office on August 23, 2010. You are requesting access to and copies of any and all documents and records created by DHS or other agencies or departments in the course of processing, investigating, or action on your complaint of FOIA and Privacy Act violations, including, but not limited to:

1. DHS Privacy Office;
2. DHS Office of the Inspector General;
3. Offices who receive e-mail addressed to DHSOIGHOTLINE@dhs.gov, foia.tsa@dhs.gov, foia@dhs.gov, privacy@dhs.gov, TELLTSA@dhs.gov, TSA-ContactCenter@dhs.gov, or who receive communications from or are responsible for liaison with or supervision of contractors who receive such mail;
4. Any other office or agency which was consulted or contacted by those offices, or by other DHS Offices in the course of processing, investigating, or action of your complaint; and
5. Any other office, agency, or department identifiable as having or likely to have responsive records.

A search of the Privacy Office for records responsive to your request produced a total of 218 pages. Upon careful review, I have determined that 202 pages are partially releasable and 16 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(5) and (b)(6), FOIA Exemptions 5, and 6. The documents are enclosed with certain information withheld as described below:

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the deliberative process privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Pursuant to 5 U.S.C. § 552, DHS need not make available under the FOIA records that are publicly available. Additional records responsive to your request can be accessed online at the following locations: http://www.dhs.gov/xfoia/Copy_of_editorial_0318.shtm, http://www.dhs.gov/xlibrary/assets/privacy/privacy_rpt_annual_2010.pdf; Internet, accessed December 28, 2010.

In addition, 19 pages of records were located that originated within the National Archives and Records Administration. Therefore, I am transferring your request, along with those responsive documents, to the FOIA Officer for the National Archives and Records Administration, Gary Stern, 8601 Adelphia Road, Room 3110, College Park, MD 20740, for processing and direct response to you. You may contact the National Archives and Records Administration at 301-837-FOIA (3642).

Our August 26, 2010, acknowledgement of your request advised you that your request was referred to the U.S. Department of Homeland Security, Office of the Inspector General and the Transportation Security Administration for processing and direct response to you.

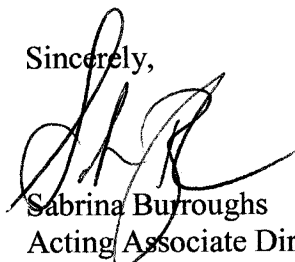
You have a right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records found in a system of records covered by the Privacy Act, please be advised that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

As it pertains to your request for a fee waiver, in this instance, because the cost is below the \$14 minimum, there is no charge associated with this response. As such, your request for a fee waiver is moot.

If you need to contact our office again about this matter, please refer to **DHS/OS/PRIV 10-1019**. You may contact this office at 1-866-431-0486 or 703-235-0790.

Sincerely,



Sabrina Burroughs
Acting Associate Director
Disclosure & FOIA Operations

Enclosures: As stated, 202 pages