

# **The Identity Project**

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April 27, 2018

Mr. Sam Kaplan  
Chief Privacy Officer/Chief FOIA Officer  
The Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane SW, STOP-0655  
Washington, D.C. 20528-0655

(by mail and by e-mail to foia@hq.dhs.gov)

## **FOIA REQUEST**

Fee benefit requested  
Fee waiver requested

Dear Mr. Kaplan:

This is a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

We request access to and copies of any records created since January 1, 2017, of or pertaining to:

(1) Reports, logs, or other records of or pertaining to persons presenting ID credentials or documents issued by the government of American Samoa at TSA or contractor checkpoints or at check-in with airlines on or after February 5, 2018, including any aggregated or statistical reports and any reports of or pertaining to individual incidents, the numbers of such persons or incidents, the disposition or decisions made in such incidents, whether or how many of these individuals were permitted to board flights, what if any other action was taken with respect to any such individuals, and any complaints, correspondence, or other communications pertaining to such incidents.

(2) Policies, procedures, instructions, guidance, or advice with respect to the treatment of persons presenting ID credentials or documents issued by the government of American Samoa at TSA or contractor checkpoints or at check-in with airlines on or after February 5, 2018, including with respect to reporting or logging of such incidents.

(3) Any review or assessment of such TSA policies, procedures, guidance, or advice, before or after the adoption or issuance of such policies, procedures, guidance, or advice, including any review of its legal basis, effectiveness, feasibility, or costs.

(4) Any tentative or definite schedules or plans for changes to such policies, procedures, guidance, or advice, whether or not completed or adopted or contemplated for the future, or records of or pertaining to consideration of such schedules or plans.

(5) Any communications between the DHS and its components or contractors and the government of American Samoa, Hawaiian Airlines, and/or the operators or contractors of the Pago Pago International Airport (PPG) and/or Daniel K. Inouye International Airport (HNL) pertaining to the acceptance for transport or other treatment, either in general or in a specific incident or class of circumstances, of persons presenting ID credentials or documents issued by the government of American Samoa at TSA or contractor checkpoints or at check-in with airlines on or after February 5, 2018.

This request includes any responsive records of the DHS or any DHS component agency identifiable as having, or likely to have, responsive records, including but not limited to the Transportation Security Administration (TSA); the Office of State-Issued Identification Support; the Office of Strategy, Policy, and Plans (PLCY); email messages to, from, or copied to any of those components or their contractors; email messages between the DHS or its components or contractors and the government of American Samoa, Hawaiian Airlines, and/or the operators or contractors of the Pago Pago International Airport (PPG) and/or Daniel K. Inouye International Airport (HNL); and email messages to, from, or copied to “osiis@hq.dhs.gov” and/or “realid@hq.dhs.gov”.

We also request (6) the entirety of any document or electronic file containing any responsive records (so that no portion of any document or file containing any responsive portions should be withheld as “unresponsive”), and (7) all records of file system information or metadata in, of, or pertaining to any responsive digital record, including but not limited to the filename of each responsive digital record, as it was found on a department or contractor workstation, server, storage device, or media; the size of each such file in bytes, KB, MB, or GB; the name or other label or identifier of the workstation, server, storage device, or media on which the file was found; the path to the file in the filesystem on which it was found; and the file date(s) as recorded in the file, in that filesystem, and/or in any label(s) on physical devices or storage media.

We request that all responsive records be provided in text-searchable electronic form. With respect to any records held in electronic form, we request that they be provided in the original electronic form in which they are held, as complete bitwise digital copies of the original word processing files, PDF files, or other electronic files, including any file headers, embedded metadata, and all other file content. With respect to records of any e-mail message held in electronic form, we request that they be produced as copies of the raw “message source” files, including fully expanded addresses and all

headers and attachments, as those message source files are held on Department, component, or contractor mail servers or backup or archival digital storage media.

We specifically request that you not create new documents or files in response to this request, not create “documents” such as page-view images or print views from digital records, and not substitute such newly-created “documents”, images, or views for requested records held by you as digital files.

If all or any part of this request or searches for responsive records are referred or delegated to Department components or other Department or contractor offices or staff, we request that any referral, delegation, or search tasking instructions specifically include our request with respect to the form in which records are to be produced, so that records are not inadvertently converted to, or produced in, other forms or formats.

This information is being sought on behalf of The Identity Project (“IDP”). IDP provides advice, assistance, publicity, and legal defense to those who find their rights infringed or their legitimate activities curtailed by demands for identification, and builds public awareness about the effects of ID requirements on fundamental rights. IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

As a representative of the news media we are only required to pay for the direct cost of duplication after the first 100 pages. Through this request, we are gathering information on policies, procedures, and practices that is of current interest to the public as part of widespread public interest in implementation of the REAL-ID Act. This information is being sought on behalf of The Identity Project (“IDP”). IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

This information will be made available to the public. The principal activity of IDP is publication of the informational and educational Web site at <<http://www.papersPlease.org>>, where we have published documents obtained in response to our previous FOIA requests.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. The records we are requesting clearly relate to government operations and activities and the ability of US citizens and national to exercise their rights to freedom of movement and assembly. It is in the public interest for the public to know about the policies, procedures, and practices which affect their ability to exercise their rights. The right and ability to travel on Federally licensed airline common carriers is, of course, especially critical for residents of American Samoa, the island US territory most distant from the US mainland and the only US territory that has not been certified as compliant or granted an extension of time to comply with the REAL ID Act of 2005.

The Identity Project is a nonprofit organization with no commercial interest in this information.

If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions. We will also expect you to release all segregable portions of otherwise exempt material. We, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Please respond as soon as possible to confirm your receipt of this request and to advise the expected date of completion of Departmental action with respect to this request. We look forward to your complete reply within 20 business days, as the FOIA statute requires. To avoid unnecessary delays, please contact us by telephone or e-mail should you have any questions regarding this request.

Sincerely,

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Edward Hasbrouck  
Consultant on travel-related civil liberties and human rights issues  
The Identity Project