

The Identity Project

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October 8, 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 any records created since the enactment of the REAL-ID Act of 2005 of or pertaining to any grants issued by the Department of Homeland Security (DHS) to states, territories, or other entities for implementation of the REAL-ID Act, the State-To-State (S2S) system, and/or the State Pointer Exchange Systems (SPEXS). This request includes, but is not limited to, records of the grants mentioned in “Secure Identification State Progress, Fiscal Year 2012 Report to Congress” (DHS Office of Policy, August 28, 2012) a copy of which is attached to this request, and any successor grants.

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 Office of Policy, the Office of State Issued Identification Support, the Federal Emergency Management Agency (FEMA), FEMA’s Grant Programs Directorate, and any successors to the functions of these offices and components.

We also request 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 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 and procedures that is of current interest to the public as part of widespread public interest in implementation of the REAL-ID Act and the methods being used by states and territories to comply with the provisions of that act, including the requirement that, "To meet the requirements of this section, a State shall... Provide

electronic access to all other States to information contained in the motor vehicle database of the State." S2S and SPEXS are the only system potentially capable of satisfying this requirement, and personal information pertaining to approximately 50 million individual holders of state-issued drivers licenses and ID cards has already been uploaded by states to the SPEXS database. Information about the role of the DHS in funding S2S and SPEXS is vital to public understanding of these systems.

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 methods of compliance with Federal requirements. It is in the public interest for the public to know what role the DHS has played in funding this national system of personal information.

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,

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