

U.S. Department of  
Homeland Security

United States  
Coast Guard



Office of the Chief Administrative Law Judge  
United States Coast Guard

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5720  
13 Sep 2021

Edward Hasbrouck  
The Identity Project  
1222 Preservation Park Way, #200  
Oakland, CA 94612

RE: DHS FOIA APPEAL NUMBER 2021-HQAP-00006; FOIA Request Number 2016-HQFO-00209

Dear Mr. Hasbrouck:

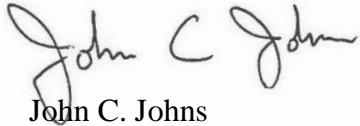
This letter responds to your November 4, 2020 Appeal of the response of the Department of Homeland Security (DHS), Privacy Office to your Freedom of Information Act (FOIA) request 2016-HQFO-00209. Pursuant to a memorandum of agreement, the United States Coast Guard Office of the Chief Administrative Law Judge is reviewing FOIA appeals for the DHS General Counsel's office. Therefore, the Office of the Chief Administrative Law Judge will render the official appeal decision on behalf of DHS.

In your initial request, you sought copies of certain records relating to the REAL-ID Act of 2005. In a letter dated May 20, 2016, Privacy notified you its search produced 13 pages of responsive documentation. Privacy followed up this letter by sending you multiple "interim" releases of documentation, providing hundreds of pages of responsive documents. In a letter dated August 20, 2020, Privacy provided you a "final response" which was accompanied by additional responsive documents.

In your appeal, you assert Privacy failed to comply with your initial request to provide all documents in their original electronic form in which they are held. Instead of searching for and providing responsive emails in original electronic format, Privacy provided you with "print-view" page images of emails embedded with a PDF file. You assert, "[n]one of the files produced contained all the informational content of the responsive records from which they were derived, such as complete e-mail headers, 'message source' data, filenames, or file system information such as file dates." FOIA does requires agencies to make available records in any form or format requested if it is readily reproducible by the agency in the format. 5 U.S.C. § 552(a)(3)(B).

A review of the case file indicates Privacy failed to provide you the “responsive records” in the format requested. Accordingly, your appeal is being remanded back to Privacy for reevaluation. Privacy should provide the documents in the format requested or demonstrate with sufficient justification that they cannot produce the documents in their original fully digital version.

Sincerely,

A handwritten signature in black ink that reads "John C. Johns". The signature is written in a cursive style with a large initial "J" and "J".

John C. Johns  
Attorney Advisor  
United States Coast Guard

Copy: James Holzer, Deputy Chief FOIA Officer

Sent *via* first class mail to the above address