

The Identity Project

PapersPlease.org

The Identity Project
P.O. Box 170640-idp
San Francisco, CA 94117-0640
415-824-0214 (Edward Hasbrouck)
eh@papersplease.org

April 13, 2023

Chief FOIA Officer
U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

(by certified mail, return receipt requested, and by e-mail to foiastatus@state.gov)

FOIA change of address, status request, and request to meet and confer

FOIA and Privacy Act request and appeal reference numbers:

F-2011-03370 (including all or part also referenced as F-2021-06198)
F-2011-06118 (pending Privacy Act appeal)
F-2011-06118 (portion on remand for response following FOIA appeal)
F-2011-06118 (portion on remand to confer following FOIA appeal)
F-2014-09197
P-2015-06585 (pending FOIA and Privacy Act appeals)

Dear Chief FOIA Officer:

Because you are not named and no direct phone number or email address for you is available on the State Department website at foia.state.gov or at foia.gov, and we have received no response to repeated attempts to contact you through messages left at 202-261-8484 and sent to foiastatus@state.gov, we are sending this message by postal mail.

As detailed below, (1) our address has changed, (2) we request the status including the estimated date of completion of agency action with respect to each of our pending FOIA and Privacy act requests and appeals, and (3) we have been told that we need to confer with your office regarding a portion of one of our FOIA requests that was remanded for further action following one of our appeals, but we have not yet been provided with any point of contact or any opportunity for such a conference.

Our address has changed to:

Edward Hasbrouck
The Identity Project
PO Box 170640-idp
San Francisco, CA 94117-0640

telephone: 415-824-0214
email: eh@papersplease.org

Please reply to confirm that our address has been updated in each of these case files and that any components or other agencies to which all or any portion of any of these requests has been referred have also been notified of our change of address.

We also request the status including the estimated data of completion of agency action with respect to each of the following FOIA and Privacy Act requests and appeals:

F-2011-03370 (all or some portion a/k/a F-2021-06198)
F-2011-06118 (pending Privacy Act request and appeal)
F-2011-06118 (portion on remand for response following FOIA appeal)
F-2011-06118 (portion on remand to confer following FOIA appeal)
F-2014-09197
P-2015-06585 (pending FOIA and Privacy Act appeals)

With respect to request F-2011-03370, we were told in an unsigned email message on July 22, 2022 from FOIAStatus@state.gov that, "FOIA case control number F-2011-03370 was closed inadvertently. FOIA case control number F-2021-06198 was created and forwarded to the Department of State's Bureau of Consular Affairs, Office of Passport Services, Law Enforcement Liaison Division for processing.... your status inquiry regarding FOIA case control number F-2021-06198 was forwarded to that office for direct reply. You may also contact the Office of Passport Services, Law Enforcement Liaison Division directly via email at PPT-Public-FOIARequests@state.gov to obtain a status report regarding FOIA case control number F-2021-06198." We were also told in an unsigned email message on August 22, 2022, from Foiaprogram@state.gov that, "status inquiries of passport requests may be also made by phone to (202) 485-6550."

We request that you verify and confirm that, even if a new reference number is assigned, your records accurately indicate that this request was made on April 27, 2011.

Otherwise, closing the file and re-opening it with a new "request" date would result in underreporting of processing times and possible omission of backlogged requests and appeals from your required reports of oldest requests and appeals.

Moreover, (a) we have never been provided with any postal address for the Office of Passport Services, Law Enforcement Liaison Division, (b) we have never received any communication whatsoever from this office or component, (c) we have never had any of our calls answered by a human or received any response to any of our voicemail messages left at 202-485-6550, and (d) we have never received any response to any of our email messages sent to PPT-Public-FOIARequests@state.gov.

With respect to FOIA and Privacy Act request and appeal F-2011-06118, we have received no response to the portion of this request and appeal made pursuant to the Privacy Act. It is unclear whether the portion of the original request made pursuant to the Privacy Act remains pending, or whether the portion of the original request made pursuant to the Privacy Act was deemed to have been denied, in which case that denial was appealed, pursuant to the Privacy Act, and that Privacy Act appeal remains pending.

We have never been provided with a separate reference number for this request or appeal under the Privacy Act or with separate FOIA and Privacy Act reference numbers for any of our requests or appeals made pursuant to both FOIA and the Privacy Act.

We discussed this issue with Chief FOIA Officer Eric F. Stein in August 2016 (see his letter to us of August 25, 2016, apologizing for the department's earlier mishandling of this request), and he agreed that your department's boilerplate needed to be improved to clearly distinguish FOIA and Privacy Act responses and exemption claims and to inform requesters of both FOIA and Privacy Act appeal rights where requests were made under both statutes, but we have seen no improvement in your boilerplate or procedures.

We received a response to a portion of this FOIA appeal by postal mail (although we had requested that any response be provided electronically) on October 17, 2019. A portion of this request was remanded for further action, which remains pending:

“The Office of Passport Services of the Bureau of Consular Affairs (CA/PPT/L) is conducting a renewed search of its files. We believe that our statement to you in our letter of December 22, 2017, which referred to separate correspondence having been sent to you from the Office of Passport Services, may have been in error, as we are unable to locate a copy of that correspondence. The Office of Passport Services will inform you directly of the results of its renewed search.”

However, we have never been provided with any postal address, phone number, or email address for the Office of Passport Services of the Bureau of Consular Affairs (CA/PPT/L), and we have never received any communication from that office.

We request the status including the estimated date of completion of agency action on remand with respect to this portion of F-2011-06118, and the point of contact from which we can exercise our statutory right to obtain future status updates.

In addition to the portion of request F-2011-06118 which was remanded for further searches, a different portion of this request was remanded by the October 17, 2019, appeal decision for us to confer with the FOIA office regarding possible narrowing of this portion of the request. However, neither in the appeal decision nor in response to our repeated, diligent telephone and email inquiries to the FOIA requester service center and your department's FOIA Public Liaison have we even been provided with any point of contact with whom we can seek to meet and confer regarding this matter.

More than three years later, we still are seeking diligently but unsuccessfully to find out with whom we can confer, much less to arrange a meeting with them.

By making your processing on remand of this portion of our request contingent on narrowing of the request, and then refusing for more than three years to make anyone available to confer regarding what narrowing might be acceptable, you are effectively engaging in an illegal, bad faith, "pocket veto" of this portion of our request.

I request that you telephone me in San Francisco at 415-824-0214 or email me at eh@papersplease.org at your earliest convenience to confirm the first available appointment for a phone call or virtual meeting with you to discuss this request.

We remind you that the FOIA statute requires that each agency provide FOIA status information online or by phone. That we have been unable to obtain status information by phone or email, despite diligent efforts, and have to resort to much slower, more costly, postal mail, is indicative of your failure to fulfill your statutory duty.

We also want to make sure that you are aware that neither status information nor the assistance of the FOIA Public Liaison is actually available to requesters, so that you can accurately include this information in your future FOIA reports and do not, in mistaken reliance on misinformation from your staff, falsely report that this is available.

We look forward to your response and to the opportunity to confer with you.

Sincerely,

Edward Hasbrouck
The Identity Project

cc: Kellie Robinson, FOIA Public Liaison
U.S. Department of State
A/GIS/IPS/PP
2201 C Street N.W., Suite B266
Washington, DC 20520-0000
RobinsonKN@state.gov