



# Homeland Security

July 23, 2009

Carl Malamud  
Public.Resource.Org  
1005 Gravenstein Highway North  
Sebastopol, CA 95472

**Re: DHS/MGMT 09-142/Malamud**

Dear Mr. Malamud:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated May 20, 2009, and to your request for a waiver of all assessable FOIA fees. Items one through three of your request have been processed through other offices with DHS and item four is being processed through the Management Directorate.

Your request was received in this office on July 21, 2009. Specifically, you requested any contracts, memoranda or budget materials detailing the specific agreements and mounts of money spent by the Department of Homeland Security with commercial legal information providers such as ThomsonWestlaw or the ReedElsevier LexisNexis service.

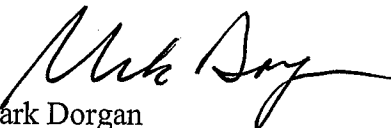
As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government;" (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be "significant;" (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

In the event that your fee waiver is denied, we shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. You will be promptly notified once a determination is made regarding your fee waiver request.

Per section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. We will make every effort to comply with your request in a timely manner; however, there are currently eleven open requests ahead of yours. Nevertheless, please be assured that one of the processors in our office will respond to your request as expeditiously as possible.

Your request has been assigned reference number **DHS/MGMT 09-142/Malamud**. Please refer to this identifier in any future correspondence. You may contact this office at (202) 447-3106 or [foia.mgmt@dhs.gov](mailto:foia.mgmt@dhs.gov).

Sincerely,



Mark Dorgan  
FOIA Officer