



Homeland Security

Privacy Office, Mail Stop 0655

June 9, 2009

Mr. Carl Malamud
President & CEO
Public.Resource.Org
1005 Gravenstein Hwy North
Sebastopol, CA 95472

Re: DHS/OS/PRIV 09-652

Dear Mr. Malamud:

This acknowledges receipt of your May 28, 2009, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Privacy Office, in which you seek records that would assist you in determining the amount of money the Department spends on access to federal court documents and other primary legal materials, to include the following:

1. "Any memoranda or budgetary documents that detail the total amount actually spent or the amount budgeted to be spent by the Department of Homeland Security to access the PACER system run by the Administrative Office of the Courts," to specifically include records detailing "how much was spent or was budgeted to be spent in the period from 2000 to the present, as well as budget items for future fiscal periods."
2. "Any agreements, contracts, or memoranda of understanding between the Department of Homeland Security and the Administrative Office of the Courts governing access to the PACER system by Department of Homeland Security staff."
3. "Any memoranda or other documents from the Department of Homeland Security management to Department of Homeland Security layers asking them to curtail, limit, or otherwise ration their use of the PACER system due to cost considerations."
4. "Any contracts, memoranda, or budgetary materials detailing the specific agreements and amounts of money spent by the Department of Homeland Security with commercial legal information providers such as Thomson WestLaw or the ReedElsevier LexisNexis service."

Please be advised that DHS was created January 24, 2003; therefore, no DHS records exist prior to that date. Records created prior to the establishment of DHS by any of the organizational components of DHS would be maintained by those components. Further, DHS does not maintain a central database of records that would capture all of the information you are seeking. For this reason, §5.3(b) of the DHS regulations, 6 C.F.R. Part 5, require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipients, and subject matter of the records, if known, or the DHS component or office you believe created and/or controls the record.

Per telephone conversation with this office today, you indicated that you had already submitted your request directly to the DHS components of interest, such as the immigration components. As it relates to

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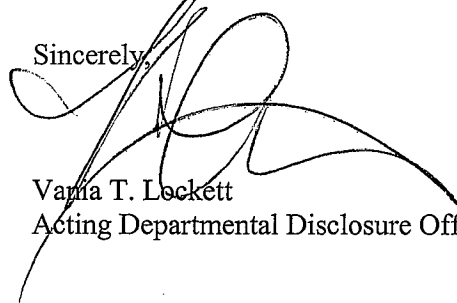
DHS Headquarters, I have referred your request to the Office of the General Counsel (OGC) and the Office of Inspector General (OIG), the two Headquarters components most likely to have records responsive to your request. Each of these offices will process your request independently and provide a direct response to you. You may contact the FOIA Officer for OGC, Charlie Borrero, in writing at U.S. Department of Homeland Security, Office of the General Counsel, Washington, D.C. 20528 or via telephone at 202-282-9822. You may contact the FOIA officer for OIG, Kathy Gallo, in writing at U.S. Department of Homeland Security, Office of the Inspector General, 245 Murray Drive, Bldg. 410, Mail Stop - 2600, Washington, D.C. 20528-0001 or via telephone at 202-254-4001.

Should you desire a search of any additional components of this Department, please contact this office or submit your request directly to the components of interest. You may wish to review a list of DHS disclosure contacts, which may be accessed from http://www.dhs.gov/xfoia/Copy_of_editorial_0318.shtm; Internet, accessed June 3, 2009.

Please be advised that your request for designation as a representative of the news media has been granted in this instance; however, your request for a waiver of fees will be held in abeyance pending the quantification of responsive records. Each of the DHS components handling your request will respond directly to you regarding the results of their searches for records and whether a waiver of fees is appropriate. In the event that your fee waiver is denied, you will be charged 10-cents a page for duplication, although the first 100 pages are free.

If you need to contact this office again regarding this request, please reference **DHS/OS/PRIV 09-235** in any future correspondence. You may contact this office at 866/431-0486.

Sincerely,



Vania T. Lockett
Acting Departmental Disclosure Officer