

JUN 16 2009



Homeland  
Security

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

SUBJECT: Freedom of Information Act Request No. 2009-120

Dear Mr. Malamud:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the U.S. Department of Homeland Security (DHS) Privacy Office (PRIV), dated May 20, 2009. PRIV referred your request to the Office of Inspector General (OIG), which OIG received on June 10, 2009 and assigned the above-referenced tracking number.

As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will therefore consider these factors in our evaluation of your request for a fee waiver:

- (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 public interest in disclosure is sufficiently large, when compared to the requester's identified commercial interest in disclosure.

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.

Your request has been placed in the queue for processing in the order in which it was received. Simple requests are answered more quickly and will be placed on the fast track of our multi-track processing system. More complex requests, including those calling for a particularly large volume of records, are segregated into a group designated as Project Requests. These require significantly more processing time and are processed separately in the order in which received. Unfortunately, we cannot predict exactly when your request will be processed, as we currently have a backlog of such requests. Please be assured, however, that OIG will respond to your request as expeditiously as possible. We are devoting additional staff and resources to reducing this backlog and using our best efforts to process all requests with due diligence on a first-in, first-out basis. We therefore appreciate your patience as we proceed with your request.

Should you have any questions, you may contact Ms. Aneet Thind, FOIA/PA Analyst, at (202) 254-4373, or by writing to: DHS/Office of Inspector General/ STOP 2600, 245 Murray Drive, S.W., Building 410, Washington, DC 20528. Please refer to the above-referenced tracking number if you contact us regarding your request. If we require additional information, we will contact you.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine R. Gallo". The signature is fluid and cursive, with the first name being the most prominent.

Katherine R. Gallo

Assistant Counsel to the Inspector General