



**U.S. Customs and
Border Protection**

DIS-2-OT:CTE:ALK
2012F27987

August 17, 2012

Catherin Crump
Staff Attorney
American Civil Liberties Union Foundation
125 Broad Street, 17th Floor
New York, NY 10004

Dear Ms. Crump:

This letter is an acknowledgement to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) requesting for the time period of January 1, 2006 to present:

1. All records regarding CBP policies, practices and procedures for procuring and using license plate reader (LPR) technology; for storing, accessing and sharing data obtained through LPR technology; and for funding the acquisition and use of LPR technology by other federal, state and local governmental agencies;
2. All records regarding the procurement of LPR technology, including
 - a. Sources of funds used to pay for LPR technology;
 - b. Invoices for the purchase of LPR technology;
 - c. Interactions with vendors, suppliers and potential suppliers of LPR technology, including materials and fact sheets supplied by vendors describing their products;
3. All records regarding the use of LPR technology, including
 - a. What types of data are obtained;
 - b. Number of license plates scanned and/or read in a given time period (day, month, year, etc.);
 - c. The number of LPR units or systems acquired;
 - d. The number of vehicles equipped with LPR technology;
 - e. For stationary deployments, the number and physical location of LPR units;
 - f. The technical capabilities of the LPR units;
4. All records regarding the storage of data obtained using LPR technology, including
 - a. What types of data are stored for any period longer than an hour;
 - b. How long data is stored;
 - c. When data must be discarded;
 - d. How many individual license plate scan records your agency currently stores;
5. All records regarding access to LPR data, including
 - a. The legal justification required before an individual accesses LPR data;
 - b. Purposes for which the data may be accessed;
 - c. Purposes for which the data may not be accessed;

- d. Who may access the data, what procedures they must go through to obtain access, and who must authorize access;
 - e. The existence or non-existence of a system that records who accesses the data and when the data is accessed;
6. All records regarding the sharing of data obtained through LPR technology, including
 - a. What type of data is shared;
 - b. Which databases CBP puts collected LPR data into;
 - c. Third parties, governmental or private, that may access CBP's LPR data, including what procedures third parties must go through in order to access the data and any restrictions placed on third parties regarding further sharing of CBP's data;
 - d. Any agreements to share LPR data with outside agencies, corporations or other entities;
 - e. Auditing mechanisms in place to govern access to LPR data;
 7. All records regarding obtaining LPR data from third parties including
 - a. Which databases CBP can access;
 - b. Memoranda of understanding or agreements regarding how data is to be shared;
 - c. Transfer of LPR data from state or local agencies to CBP or to other federal agencies;
 8. All records regarding the development or implementation of any federal LPR database, or the inclusion of LPR data in already existing LPR databases, including information showing which federal, state and local agencies are pooling LPR data;
 9. All training materials used to instruct members of CBP in LPR deployment, data management, or operation of automated records systems that contain LPR data to which any member of your agency has access, including regional, federal or other shared LPR databases;
 10. All records regarding your funding of the acquisition and use of LPR technology or data by other federal, state and local governmental entities, including
 - a. Funding or grants to state or local agencies to purchase LPR units, or to purchase access to LPR data;
 - b. Funding figures broken down by recipients;
 - c. Conditions recipients must fulfill in order to receive funding for LPR technology from CBP;
 11. All records describing how LPR data is, can or will be integrated into existing federal data-mining programs, including but not limited to N-Dex, and how the data will be or is included in the Federal Bureau of Investigation's next Generation Identification database.

Your request is under review. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, Title 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. We will make every effort to comply with your request in a timely manner.

As it relates to your fee waiver request, we have reviewed your letter dated July 30, 2012 thoroughly and have determined that you have not presented a convincing argument you are entitled to a blanket waiver of fees.

The Department of Homeland Security (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. We will 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 requestor 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.

As a requester, you bear the burden under the FOIA of showing that the fee waiver requirements have been met. Based on our review of your request and for the reasons stated herein, we have determined that your fee waiver request is deficient because disclosure of this information will not contribute significantly to the public understanding of government operations or activities. Since your request for a fee waiver has failed to satisfy each of the required factors, we are denying your fee waiver request.

This acknowledgement notifies you that your request was placed in the media category. Pursuant to the Department of Homeland Security (DHS) implementing regulations, Title 6 C.F.R. § 5.11, media requesters are responsible to pay 10-cents per page in excess of 100 pages for duplication. We will construe the submission of your request as an agreement to pay up to \$25.00.

This office may be reached at (202) 325-0150. Please notate file number 2011F27987 on any future correspondence to CBP related to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale G. Martin", with a stylized flourish at the end.

Dale G. Martin
Acting Director, FOIA Division
Office of International Trade