

January 16, 2014

2012F27987

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

Dear Ms. Crump:

This is a final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP). You requested a variety of records concerning License Plate Reader (LPR) Units and LPR technology for the time period of January 1, 2006 to the date of your request, July 30, 2012. This time period was narrowed to begin on January 1, 2009 per consultation with CBP, and the scope of records was narrowed to include final copies of documents only, as well as no records specific to law enforcement requests, investigations, prosecutions, or data access.

A search of CBP databases produced a total of 111 pages of records responsive to your request. CBP has determined that 111 pages of the records are partially released, pursuant to Title 5 U.S.C. § 552 (b)(6), (b)(7)(C) and (b)(7)(E). Please note that some of the responsive documents are being released in full with no redactions. Further, a portion of the records are publicly available at the following link:

<http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf>

The records CBP is releasing are responsive to parts one, three, four, five, six, and nine of your request. CBP has no responsive records for parts seven, eight, ten, or eleven of your request. As it relates to part two of your request, CBP has no specific records other than to state that "LPR technology is paid for by congressionally appropriated funds." Additionally, CBP is including the following table in regards to part four of your request:

LBI Solution Segment		Period Covered	Total License Plates Captured
Inbound	Front LP	May 2009 thru May 2013	311,344,804
	Rear LP	May 2009 thru May 2013	355,594,041
Outbound	Front LP	June 2011 thru May 2013:	30,521,960
	Rear LP	June 2011 thru May 2013:	30,278,991
	Handheld	February 2011 thru May 2013	77,891
Border Patrol	Front LP	August 2011 thru May 2013	29,236,238
	Rear LP	August 2011 thru May 2013	36,592,420
	Handheld	March 2011 thru May 2013	2,636
		Grand Total:	793,648,981

Exemption (b)(6) exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. *[The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.]* The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

Exemption (b)(7)(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

You have a right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177, following the procedures outlined in the DHS regulations at Title 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call (877) 684-6448.

This office may be reached at (202) 325-0150. Please notate file number 2012F27987 on any future correspondence to CBP related to this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Howard", with a long horizontal flourish extending to the right.

Patrick Howard
Acting Supervisor, FOIA Division
U.S. Customs and Border Protection
Privacy and Diversity Office

Enclosure(s)