

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMERICAN CIVIL LIBERTIES )  
UNION, et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
UNITED STATES DEPARTMENT )  
OF HOMELAND SECURITY, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No. 1:16-cv-221 (CKK)

**SECOND JOINT STATUS REPORT**

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit the following Joint Status Report in response to this Court’s April 25, 2016 Order.

**BACKGROUND**

This lawsuit arises out of a FOIA Request (the “Request”) dated May 13, 2015 for records concerning the government’s Countering Violent Extremism (“CVE”) programs.<sup>1</sup> Plaintiffs filed their Complaint on February 10, 2016. ECF No. 1. Defendants answered the Complaint on March 17, 2016. ECF No. 15. On April 22, 2016, the parties filed their first joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA request. ECF. No. 17. On April 25, 2016, the Court ordered the parties to file a second joint status report by June 3, 2016, and to provide a proposed production schedule for the agencies that have completed searches for responsive records.

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<sup>1</sup> Plaintiffs’ FOIA claims against Defendant Department of Education pertain only to a FOIA request dated October 15, 2015 concerning CVE.

UPDATED STATUS

The parties continue to confer regarding Defendants' responses to Plaintiffs' Request. Defendants state the following regarding the status of each of their responses to Plaintiffs' Request:<sup>2</sup>

Department of Health and Human Services. On May 27, 2016, the Department of Health and Human Services ("HHS") made an interim release. HHS released 2 pages in part and withheld 123 pages in full. The Administration for Children and Families ("ACF") at HHS completed its search yesterday. ACF has located an estimated 600 pages of potentially responsive records. ACF will process for production/withholding or for referral to other agencies or components a minimum of 300 pages of potentially responsive records per month. On or before the last day of each month, beginning on June 30, 2016, ACF will make an interim production of non-exempt records that are responsive to Plaintiffs' FOIA Request.

HHS is continuing to search for responsive records in the Office of the Secretary. This search will be complete by June 30, 2016. The parties will provide an update on this search in their next joint status report.

Department of Education. On May 24, 2016, the Department of Education ("DOE") produced all of its responsive, non-exempt records to Plaintiffs. DOE has thus completed its processing of the FOIA request dated October 15, 2015.

Department of Homeland Security. On May 26, 2016, the Department of Homeland Security ("DHS") Office of Intelligence & Analysis ("I&A") released 549 responsive pages to Plaintiffs. Of these, 489 pages were released in full and 60 pages were released in part. I&A

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<sup>2</sup> Plaintiffs do not concede that the searches Defendants have conducted to this point are adequate or that the material Defendants have withheld in part or in full is properly subject to exemption.

also referred 230 pages of records to other agencies. I&A has completed its search for responsive records. After removing duplicative records, I&A has located approximately 3,000 pages of potentially responsive material. I&A will process for production/withholding or for referral to other agencies or components a minimum of 250 pages of potentially responsive records per month. On or before the last day of each month, beginning on June 30, 2016, I&A will make an interim production of non-exempt records that are responsive to Plaintiffs' FOIA Request.

On May 27, 2016, the DHS Privacy Office released 311 pages of records in full and 13 pages in part, and withheld 18 pages. The Privacy Office has run a preliminary key word search that has located approximately 59,000 unique, potentially responsive documents. The Privacy Office and Plaintiffs will negotiate a possible refined search.

The DHS Science & Technology Directorate ("S&T") completed its review of previous searches to determine if additional searches should be conducted and its review of redactions in previously produced documents to determine if revisions were necessary. On May 27, 2016, S&T informed Plaintiffs of the results of these inquiries. S&T determined that it previously conducted a reasonably calculated search for all records responsive to the FOIA request and therefore no additional search was necessary. Also, S&T revised redactions in two previously released documents, and otherwise confirmed its determination that previously withheld information is exempt from disclosure. S&T has thus completed its processing of this Request.

Department of Justice. The Federal Bureau of Investigation ("FBI") has completed its search for potentially responsive records and has located approximately 2,850 pages of potentially responsive records. FBI will process for production/withholding or for referral to other agencies or components a minimum of 500 pages of potentially responsive records per

month. On or before the last day of each month, beginning on June 30, 2016, FBI will make an interim production of non-exempt records that are responsive to Plaintiffs' FOIA Request.

Department of State. The parties continue to discuss the scope of Plaintiffs' Request to the Department of State and are working diligently to potentially narrow the request. The parties need additional time for these negotiations and respectfully request that the Court allow them to continue.

Office of the Director of National Intelligence. The Office of the Director of National Intelligence ("ODNI") and Plaintiffs have conferred and reached an agreement regarding the scope of the Request and the relevant search parameters. Having reached agreeable terms, ODNI is actively working within the agency to assess the time needed to search for and process records. ODNI will make an interim production of non-exempt records that are responsive to Plaintiffs' FOIA Request on or before June 30, 2016, and will provide Plaintiffs a proposed production schedule on or before that date.

#### REQUESTED COURT ACTION

The parties respectfully suggest that the Court order the parties to file a joint status report no later than July 22, 2016.

Dated: June 3, 2016

Respectfully submitted,

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