

**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)

THIRD JOINT STATUS REPORT

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit this Third Joint Status Report in response to this Court’s June 6, 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.¹ On June 3, 2016, the parties filed their second joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA request. ECF No. 18. On June 6, 2016, the Court ordered the parties to file a joint status report by July 22, 2016, indicating the status of Defendants’ responses to Plaintiffs’ Request.

UPDATED STATUS

The parties continue to confer regarding Defendants’ responses to Plaintiffs’ Request.

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

Defendants state the following regarding the status of each of their responses to Plaintiffs' Request:²

Department of Health and Human Services. Pursuant to the processing and production schedule in the parties' June 3, 2016 Joint Status Report, the Administration for Children and Families ("ACF") at Department of Health and Human Services ("HHS") made an interim production of responsive, non-exempt records on June 30, 2016. ACF will continue its processing and release of records in accordance with that schedule. ACF currently has 740 pages of potentially responsive records left to process.

HHS completed its search for responsive records in the Office of the Secretary ("OS") and has located 203 pages of potentially responsive records. OS will process for production/withholding or for referral to other agencies or components those 203 pages of potentially responsive records on or before August 31, 2016.

Department of Homeland Security. Pursuant to the processing and production schedule in the parties' June 3, 2016 Joint Status Report, the Department of Homeland Security ("DHS") Office of Intelligence & Analysis ("I&A") made an interim production of responsive, non-exempt records on June 30, 2016. I&A will continue its processing and release of records in accordance with that schedule.

The DHS Privacy Office has been working with potential custodians to recalibrate its search method so that it can provide its responsive, non-exempt documents in a timely and efficient manner. The Privacy Office will provide Plaintiffs an update on the status of the search

² 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.

on or before August 12, 2016. The Privacy Office will make an interim production of non-exempt records that are responsive to Plaintiffs' FOIA Request on or before August 31, 2016.

Two additional DHS components have now begun searching for responsive records. The Federal Emergency Management Agency ("FEMA") at DHS has located 44 pages of potentially responsive material. FEMA will process those 44 pages for production/withholding or for referral to other agencies or components on or before July 31, 2016. FEMA is continuing its search for responsive material, and will provide an update on that search in the next joint status report.

The National Protection and Programs Directorate at DHS has also begun searching for responsive records and will provide an update on its search in the next joint status report.

Department of Justice. Pursuant to the processing and production schedule in the parties' June 3, 2016 Joint Status Report, the Federal Bureau of Investigation ("FBI") made an interim production of responsive, non-exempt records on June 30, 2016. FBI will continue its processing and release of records in accordance with that schedule.

Department of State. The Department of State ("State") and Plaintiffs have conferred and reached an agreement regarding the scope of the Request to State. State has tasked the relevant components to search for, collect, and turn over to the FOIA office potentially responsive material for review. State will make an interim production of non-exempt records that are responsive to Plaintiffs' FOIA Request on or before August 31, 2016.

Office of the Director of National Intelligence. On June 30, 2016, ODNI made an interim production of responsive, non-exempt records. ODNI has completed its search and has located approximately 2,000 pages of potentially responsive records. ODNI will process for production/withholding or for referral to other agencies or components a minimum of 350 pages

of potentially responsive records per month. On or before the last day of each month, beginning on July 31, 2016, ODNI will make an interim production of non-exempt records that are responsive to Plaintiffs' FOIA Request.

REQUESTED COURT ACTION

The parties respectfully suggest that the Court order the parties to file a joint status report no later than September 23, 2016.

Dated: July 21, 2016

Respectfully submitted,

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