

**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)

**SIXTH JOINT STATUS REPORT**

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit this Sixth Joint Status Report in response to the Court’s December 21, 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> On December 21, 2016, the parties filed their fifth joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA Request. ECF No. 23. On December 21, 2016, the Court ordered the parties to file a further joint status report by March 21, 2017.

**UPDATED STATUS**

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

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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.

Defendants state the following regarding their production of responsive, non-exempt records:<sup>2</sup>

Department of Homeland Security. The Department of Homeland Security (“DHS”) Office of Intelligence & Analysis made a production on January 13, 2017 of material referred to it for direct release. It also made a production on February 28, 2017 of material returned to it that had gone through the consultation process or was referred to it for direct release.

The Science and Technology Directorate at DHS made a production on March 15, 2017 of material referred to it for direct release to Plaintiffs.

The United States Secret Service at DHS made a production dated February 6, 2017 of material referred to it for direct release to Plaintiffs.

Pursuant to the processing and production schedule in the parties’ December 21, 2016 Joint Status Report, the DHS Privacy Office made interim productions on January 13, 2017, January 31, 2017, and February 28, 2017. The DHS Privacy Office will continue its processing and release of records in accordance with that schedule. As the Privacy Office has processed records for production, it continues to ingest into its FOIA software for de-duplication the approximately 17,000 potentially responsive records found during its search. Based on the results of the records ingested to date, the Privacy Office expects a substantial number of the records found to be duplicative.

Pursuant to the December 21, 2016 Joint Status Report, the National Protection and Programs Directorate (“NPPD”) at DHS made interim productions or responses on January 3, 2017, January 31, 2017, and February 28, 2017.<sup>3</sup> NPPD has completed its initial search for

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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.

<sup>3</sup> NPPD determined that all pages reviewed for its February 28, 2017 response should be withheld pursuant to FOIA Exemptions 5, 6, and 7E.

responsive records. NPPD is in the process of de-duplicating the material it found and does not currently have an accurate estimate of the volume of the potentially responsive material but will provide it to Plaintiffs once it is able. NPPD 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, NPPD will make an interim production of non-exempt records that are responsive to Plaintiffs' FOIA Request.

Department of Justice. On February 10, 2017 and February 22, 2017, the Federal Bureau of Investigation made productions of material referred to it for direct release to Plaintiffs.

Department of State. Pursuant to the processing and production schedule in the parties December 21, 2016 Joint Status Report, the Department of State ("State") made interim productions on January 13, 2017, January 31, 2017, and February 28, 2017. State will continue its processing and release of records in accordance with that schedule.

Office of the Director of National Intelligence. The Office of the Director of National Intelligence made a production on March 15, 2017 of material referred to it for direct release to Plaintiffs.

#### REQUESTED COURT ACTION

The parties respectfully suggest that the Court order the parties to file a joint status report no later than June 21, 2017.

Dated: March 20, 2017

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Respectfully submitted,

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