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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO-OAKLAND DIVISION

20 AMERICAN CIVIL LIBERTIES UNION
21 FOUNDATION, *et al.*,

22 *Plaintiffs,*

23 v.

24 DEPARTMENT OF JUSTICE, *et al.*,

25 *Defendants.*

Case No. 19-CV-00290-EMC

**DECLARATION OF HUGH E.
HANDEYSIDE**

Hearing date: October 17, 2019
Time: 1:30 p.m.
Courtroom: 5
Judge: Hon. Edward M. Chen

1 Pursuant to 28 U.S.C. § 1746, I, Hugh E. Handeyside, hereby state under penalty of perjury that
2 the following is true and correct to the best of my knowledge, information, and belief:

- 3 1. I am an attorney at the American Civil Liberties Union Foundation and co-counsel for
4 Plaintiffs the American Civil Liberties Union Foundation and American Civil
5 Liberties Union Foundation of Northern California (together, the “ACLU”) in the
6 above-numbered action. I submit this declaration in support of Plaintiffs’ Opposition
7 to Defendant’s Motion for Partial Summary Judgment, ECF No. 31.
- 8 2. Attached hereto as Exhibit A is a true and correct copy of Federal Bureau of
9 Investigation (“FBI”), Strategic Information and Operations Center, *Request for*
10 *Information – Social Media Application* (Jan. 19, 2012), which is available at
11 <https://goo.gl/kRPLZt>.
- 12 3. Attached hereto as Exhibit B is a true and correct copy of FBI, *Limited Source*
13 *Justification*, Solicitation No. DJF-17-1300-PR00000555, at 4 (Nov. 8, 2016), which
14 is available at available at <https://goo.gl/Ty9WFZ>.
- 15 4. Attached hereto as Exhibit C is a true and correct copy of FBI, Counterterrorism
16 Division – Exploitation Threat Section, *Request for Quote – Social Media Awareness*
17 *and Monitoring Licenses*, Solicitation No. DJF-17-1300-PR-0000555, at 3 (Nov. 8,
18 2016), which is available at <https://t.ly/8r9IW>.
- 19 5. Attached hereto as Exhibit D is a true and correct copy of FBI, *Social Media Alerting*
20 *Statement of Objectives*, Solicitation No. DJF-194750PR0000369, at 2 (July 8, 2019),
21 which is available at <https://t.ly/knyNq>.
- 22 6. Attached hereto as Exhibit E is a true and correct copy of FBI, *Request for Proposal*
23 *– Social Media Alerting*, Solicitation No. DJF-194750PR0000369, at 5 (July 8, 2019),
24 which is available at <https://t.ly/knyNq>.
- 25 7. Attached hereto as Exhibit F is a true and correct copy of *Crisis of Confidence:*
26 *Preventing Terrorist Infiltration Through U.S. Refugee and Visa Programs: Hearing*
27 *Before the H.R. Comm. On Homeland Sec., 114th Cong. 7 (2016)* (written statement
28 of Michelle Bond, Assistant Secretary for Consular Affairs), produced to Plaintiffs by

1 Defendant State Department on September 12, 2019.

2 8. Attached hereto as Exhibit G is a true and correct copy of an email from [redacted] to
3 [redacted], dated Jan. 2, 2018 and produced to Plaintiffs by Defendant U.S.

4 Immigration and Customs Enforcement (“ICE”) on July 25, 2019.

5 9. Attached hereto as Exhibit H is a true and correct copy of an email from David J.
6 Palmer, Department of Homeland Security (“DHS”) Associate General Counsel, to
7 multiple recipients, dated Dec. 17, 2015 and produced to Plaintiffs by Defendant U.S.
8 Citizenship and Immigration Services on August 8, 2019.

9 10. Attached hereto as Exhibit I is a true and correct copy of DHS, Office of Inspector
10 General, OIG-17-40, DHS’ Pilots for Social Media Screening Need Increased Rigor
11 to Ensure Scalability and Long-term Success 1 n.2, 4 (2017), which is available at
12 <https://goo.gl/WDb5iJ>.

13 11. Attached hereto as Exhibit J is a true and correct copy of DHS, Privacy Compliance
14 Review of the U.S. Customs and Border Protection Electronic System for Travel
15 Authorization 1 (2017), which is available at <https://t.ly/njGPr>.

16 12. Attached hereto as Exhibit K is a true and correct copy of DHS, Privacy Impact
17 Assessment for the Publicly Available Social Media Monitoring and Situational
18 Awareness Initiative 1 (Mar. 25, 2019), which is available at <https://t.ly/JJmAm>.

19 13. Attached hereto as Exhibit L is a true and correct copy of DHS, Homeland Security
20 Investigations, Shared Services for Vetting Board Recommendation 2 (undated),
21 produced to Plaintiffs by Defendant ICE on July 25, 2019.

22 14. Attached hereto as Exhibit M is a true and correct copy of DHS, Homeland Security
23 Investigations, Extreme Vetting – Visa Security Program – PATRIOT 3 (undated),
24 produced to Plaintiffs by Defendant ICE on July 25, 2019.

25 15. Attached hereto as Exhibit N is a true and correct copy of DHS, Privacy Impact
26 Assessment for the Fraud Detection and National Security Data System 4, 14-16
27 (May 18, 2016), which is available at <https://t.ly/Ev6BJ>.

28 16. Attached hereto as Exhibit O is a true and correct copy of Dep’t of Justice Inspector

1 General & DHS Inspector General, A Joint Review of Law Enforcement Cooperation
2 on the Southwest Border between the Federal Bureau of Investigation and Homeland
3 Security Investigations (July 2019), which is available at
4 <https://oig.justice.gov/reports/2019/e1903.pdf>

5 17. Attached hereto as Exhibit P is a true and correct copy of DHS, Privacy Impact
6 Assessment for the Automated Targeting System 35-37 (Jan. 13, 2017), which is
7 available at <https://t.ly/50NAR>.

8
9 DATED: September 20, 2019
10 Bainbridge Island, WA

/s/ Hugh Handeyside
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