

**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)

EIGHTEENTH JOINT STATUS REPORT

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit this Eighteenth Joint Status Report in response to the Court’s October 18, 2018 Minute 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 February 18, 2019, the parties filed their seventeenth joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA Request. ECF No. 38. This Court’s October 18, 2018 Minute Order directs the parties to file a joint status report every ninety days.

UPDATED STATUS

The parties continue to confer regarding Defendants’ responses to Plaintiffs’ Request. The Department of Homeland Security (“DHS”) states the following regarding its production of

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

responsive, non-exempt records:²

Pursuant to the December 21, 2016 Joint Status Report, the DHS Privacy Office made interim productions on February 28, 2020, April 1, 2020, and May 5, 2020.³ The DHS Privacy Office will continue its processing and release of records in accordance with the December 21, 2016 Joint Status Report.

Pursuant to the March 20, 2017 Joint Status Report, the Cybersecurity & Infrastructure Security Agency (“CISA”) at DHS, formerly known as the National Protection and Programs Directorate (“NPPD”), made a production on February 28, 2020. Thereafter, DHS CISA informed Plaintiffs that it no longer expected to make monthly interim productions because in February the final pages of the records collected in NPPD’s search had been processed. DHS CISA further informed Plaintiffs that processing still needed to finish for documents that had been sent to other agencies or offices. On May 5, 2020, DHS CISA made a production of such material that had been sent to others for consultation.

The Federal Emergency Management Agency at DHS made a production on March 6, 2020 of material referred to it for direct response to Plaintiffs.

* * *

Because this Court ordered the parties to file an additional joint status report every 90 days, *see* October 18, 2018 Minute Order, the parties anticipate filing another joint status report no later than August 17, 2020, *see* Fed. R. Civ. P. 6(a)(1)(C).

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.

³ The parties agreed to extend the DHS Privacy Office’s response date for its May and April processing.

Dated: May 18, 2020

Respectfully submitted,

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