

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY
INFORMATION CENTER,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,

Defendant.

Civil Action No. 18-0545-KBJ

DEFENDANT'S STATUS REPORT

Defendant, the United States Department of Homeland Security (“DHS”), submits this status report in response to the Court’s minute order dated April 3, 2019. Plaintiff declined to join in this report and informed Defendant that it would submit a separate report.

1. On March 8, 2018, EPIC filed a complaint alleging that DHS had not fulfilled its Freedom of Information Act (“FOIA”) request seeking certain categories of records concerning DHS’s use of drones and unmanned aerial systems. ECF No. 1. DHS filed an answer on April 11, 2018. ECF No. 10. The parties filed joint status reports on May 16, 2018, ECF No. 11, June 15, 2018, ECF No. 11, July 30, 2018, ECF No. 14, September 13, 2018, ECF No. 15, November 13, 2018, ECF No. 16, February 8, 2019, ECF No. 19, March 25, 2019, ECF No. 20, and April 8, 2019, ECF No. 21.

2. DHS provides the following status update regarding its response to EPIC’s FOIA request.

a. **Department of Homeland Security.** On April 1, 2019, DHS produced the status report required by the Presidential Memorandum of February 15, 2015 (part 5 of the FOIA request). DHS is continuing to progress with its search for the remaining items in the FOIA request.

DHS discovered an error with its original search tasker and is in the process of updating the search and correcting the prior deficiency. In the last status report, DHS stated that it anticipated being able to provide an estimated document count for potentially responsive documents within 30 days. DHS is unable to do so, however, because its search is not yet complete. DHS does not have an estimate for when it will complete its search at this time but will endeavor to provide such estimate to Plaintiff and the Court in the next status report.

b. **The DHS Cybersecurity and Infrastructure Security Agency (CISA) (formerly the National Protection and Programs Directorate).** On September 28, 2018, CISA made the fourth and final response to EPIC's FOIA request.

c. **United States Secret Service.** The U.S. Secret Service completed its processing of responsive records and released records to Plaintiff on July 20, 2018.

d. **Federal Emergency Management Agency.** FEMA provided a final response to Plaintiff on June 25, 2018.

e. **Science and Technology.** S&T provided a final response to Plaintiff on February 5, 2019.

f. **United States Coast Guard.** On October 29, 2018, the Coast Guard provided responsive records to EPIC electronically via the AMRDEC safe-send system. On October 30, 2018, the Coast Guard sent a CD containing the same records to EPIC via the U.S. Postal Service.

g. **Immigration and Customs Enforcement.** ICE has now confirmed that it has processed all potentially responsive records previously collected and that none is responsive. Since the last status report, however, ICE has tasked one additional office—Policy—with

conducting a search for potentially responsive records. ICE expects that search to be complete on or before May 31, 2019.

h. **Customs and Border Protection.** CBP initially responded to EPICs request by withholding the single responsive record under Exemption 7(E). CBP has since determined that the document may be released to full and provided it to EPIC on July 13, 2018.

3. Given the ongoing nature of the search by DHS and ICE, Defendant requests that the Court order the parties to file another joint status report in 30 days, on or before **June 7, 2019**.

Dated: May 8, 2019

Respectfully submitted,

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PROPOSED ORDER

Upon consideration of the parties' joint status report dated April 8, 2019, it is hereby **ORDERED** that the parties shall file another joint status report on or before **June 7, 2019**.

It is **SO ORDERED**.

Dated: _____

The Honorable Ketanji Brown Jackson
United States District Judge