

Subject: New FOIA request number 1, based on NRC2023277190
From: Brian Carr <carrbp@gmail.com>
Date: 10/31/2023, 8:34 AM
To: FOIAPAQuestions@uscis.dhs.gov

Dear Sir / Madam:

I was surprised and disappointed that my original 'Freedom of Information' (FOI) request of 01 Sep 2023 returned only the original I-751 and N-400 applications. As such, I would like to submit three or more new FOI requests to get the records which I am seeking. I fear that some of the confusion over which records were requested was caused by the rather restrictive limits placed by the online G-639 form itself. As such, I would ask that you rely on the original G-639 to provide the required privacy act and other agreements and authorizations. Thereafter I hope that we can then clarify the records which are requested directly via email.

This is the first of my new requests and concerns the misunderstanding of which records were requested previously.

General
Government ID for all Redacted Identification Information

Whenever a record is redacted to remove personally identifiable information (such as email address) I ask that the redaction include the government ID of the employee or contractor and that there is a table of ID's with the matching job title and job description (could be a link to a publicly available document).

While this may appear to be a request that you generate new records which is not permitted, database records are electronic records which are subject to FOIA and these records are almost certainly available in the payroll and personnel databases. While almost all of the information in these databases is privileged, the employee ID and job title should not be. This should be a simple database query without need to redact the results as only the requested information should be returned. Also, in cases where there are only a small number of entries, it is possible that the responding administrative person would prefer to generate a new document with the requested information, but that is their option rather than doing an excerpt of existing databases records to fulfill the request.

See the 9th Circuit Decision in THE CENTER FOR INVESTIGATIVE REPORTING, v. UNITED STATES DEPARTMENT OF JUSTICE, Case: 18-17356, 12/03/2020, ID: 11913401, DktEntry: 64-1 which can be retrieved from <https://www.eff.org/document/cir-v-doj-9th-cir-opinion> and states 'the use of a query to search for and extract a particular arrangement or subset of existing data from the ... [department] database does not require the creation of a "new" agency record under FOIA.'

General
Explanation of Redaction and Withheld Documents

In the event that any responsive documents are found, I ask that you do not redact or withhold documents based on '5 U.S.C. Section 552 (b)(5) and (b)(6)', but rather specify which section is applicable.

If (b)(6) is applied to a government employee or contractor, I ask that you identify the individual by government ID along with job title. If the record includes information concerning another private individual, all identifying information should be redacted with '(b) (6) private individual'.

If (b)(5) is applied, I ask that you specify if it was due to executive privilege. If so, please identify the executive who is familiar with the matter and made the determination invoking 'deliberative process privilege' and include the document where the rationale for claiming executive privilege is explained to include the policy which was under deliberation.

If (b)(5) is applied, I ask that you specify if it was due to attorney client privilege. If so, please identify the client and attorney. For each document so withheld, please include a description of the document with the general contents of the document so that a determination can be made whether attorney client privilege is actually applicable to the document.

If any documents need to be withheld because of active OIG or DoJ investigations it is only necessary to identify the reference number for the investigation and the contact information for the status of the investigation (to allow notice when the investigation is completed).

General

Maintain as electronic documents when redacting documents

I would prefer that any electronic documents be retained in their machine readable format (easier to read and search) so ask that you edit them in their machine readable format (perhaps rich text format rather than pdf) to preserve the privacy of individuals, replacing their names and email / text addresses with their IDs.

In addition, I would like copies of any and all attachments to emails except for those which were originally provided by myself. For the excepted attachments, it would be fine to just refer to the name of the PDF file. There is also no need to provide multiple copies of a redacted attachment if they are attached to multiple documents as long as same name is used for each redacted attachment.

Records Being Sought

* The original online G-639 as submitted for NRC2023277190 on 01 Sep 2023.

* All emails, messages and other records to and from the FOI office concerning NRC2023277190 from 01 Sep 2023 to the present.

Thanks for your help with this.

Brian

— Attachments: —

USCISfoiaRsps20231006.pdf 135 KB

USCISfoiAck20230909.pdf 143 KB