



August 23, 2022

CBP-2020-049741

American Oversight
Katherine Anthony
1030 15th St. NW, Suite B255
Washington, DC 20005

Dear Ms. Anthony:

This is the final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP), submitted and received in our office on April 21, 2020. In your request you are seeking all email communications sent by former Acting Chief of Staff Patrick Flanagan to any email address ending in .com, .net, .org, .edu, or .mail, from January 1, 2019, through the date of search.

A search of CBP databases produced records responsive to your request. CBP has considered the foreseeable harm standard when reviewing the record set and has applied the FOIA exemptions as required by the statute and the Attorney General's guidance¹. CBP has determined that four pages of the records are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6) and (b)(7)(C). Additionally, portions of these redactions were applied after consultation with the Department of State (State). Appeals of State Department records should be directed to the Appeals Officer, Office of Information Programs and Services, U.S. Department of State, A/GIS/IPS, Room B266, 2201 C Street NW, Washington, DC 20520, by email to FOIARequest@state.gov, or by fax to (202) 485-1718. The letter of appeal should refer to State Case No.: C-2022-00148.

Furthermore, 31 pages of records have been referred to the U.S. Navy for their determination and direct response to you. Reference case number DON-NAVY-2022-011958.

FOIA Exemption (b)(6) exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of email addresses, phone numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are

¹ Department of Justice (DOJ), "Freedom of Information Act Guidelines," March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>



considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

This completes the CBP response to your request. You may contact CBP's FOIA Public Liaison, Charlyse Hoskins, by sending an email via your FOIAonline account, mailing a letter to 90 K St, NE MS 1181, Washington DC, 20229 or by calling 202-325-0150. The FOIA Public Liaison is able to assist in advising on the requirements for submitting a request, assist with narrowing the scope of a request, assist in reducing delays by advising the requester on the type of records to request, suggesting agency offices that may have responsive records and receive questions or concerns about the agency's FOIA process. Please notate file number CBP-2020-049741 on any future correspondence to CBP related to this request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with the response to this request, you have a right to appeal the final disposition. Should you wish to do so, you must file your appeal within 90 days of the date of this letter following the procedures outlined in the DHS regulations at Title 6 C.F.R. §5.8. Please include as much information as possible to help us understand the grounds for your appeal. You should submit your appeal via FOIAonline by clicking on the "Create Appeal" button that appears when you view your initial request. If you do not have a FOIAonline account, you must send your appeal and a copy of this letter to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection,



90 K Street, NE, 10th Floor, Washington, DC 20229-1177. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia. Additional information can be found at the following link https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/definitions-exemptions-foia_0.pdf.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Please note that contacting the CBP FOIA Public Liaison or OGIS **does not** stop the 90-day appeal clock and **is not** a substitute for filing an administrative appeal.

Sincerely,

FOIA Division
U.S. Customs and Border Protection

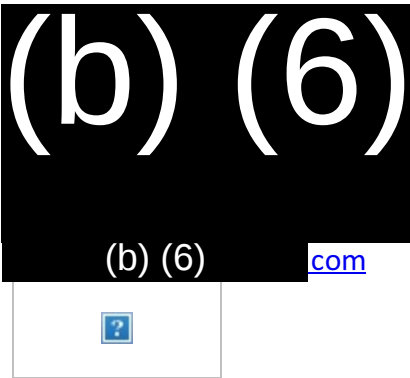
FLANAGAN, PATRICK S

From: FLANAGAN, PATRICK S
Sent: Monday, April 8, 2019 10:54 AM
To: (b) (6)
Subject: Re: Congrats gents!

Than (b) (6)

Get [Outlook for iOS](#)

Fro (b) (6).com>
Sent: Sunday, April 7, 2019 6:22:31 PM
To: MCALEENAN, KEVIN K; PATRICK S FLANAGAN
Subject: Congrats gents!



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Flanagan, Patrick

From: Flanagan, Patrick
Sent: Thursday, April 18, 2019 8:41 AM
To: Jelle Sander Postma; FLANAGAN, PATRICK S
Cc: (b)(6);(b)(7)(C) (b) (6)
Subject: RE: Invitation CT Travel

Thanks Jelle. Good to hear from you.

We will review, and get back to you with a response.

Hope all is well.

V/R
Patrick

From: Jelle Sander Postma (b) (6) @un.org>
Sent: Wednesday, April 17, 2019 7:22 PM
To: FLANAGAN, PATRICK (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) (b) (6) @un.org>
Subject: Invitation CT Travel

Dear Mr. Flanagan, dear Patrick,

During a recent visit to Washington DC, and talking with our esteemed colleague (b) (6), (b) (7)(C) I came to the conclusion that it would be very helpful for all sides if you would be able to join an upcoming event at the General Assembly of the United Nations in New York on the detection of Terrorists and Serious and Organised Crime. It will mark the new UN Flagship CT Travel Programme where cooperation with CBP is of high priority. Although together we must make up for the absence of Mr McAleenan, of course. We would be honoured to have you.

Please find attached the invitation for the Launch Event and a summary of the programme for your background information.

I'm looking forward to continue the warm and productive cooperation I have had for many years now with CBP and especially to following up on our interoperability challenge.

Best regards,

Jelle Postma

DHS-CBP-20-1005-A-000003

Chief

United Nations Office for Counter Terrorism

DC2-08

New York, NY 10017

+1 646 527 0108

(b) (6)@un.org

cid:image002.png@01D4AE44.1B3C1AC0

Flanagan, Patrick

From: Flanagan, Patrick
Sent: Thursday, April 18, 2019 11:48 AM
To: (b) (6) FLANAGAN, PATRICK S
Cc:
Subject: RE: Meeting Request

(b) (6)

Good to hear from you. I'm going to hand you over to (b) (6) for next steps. She is out of the office this week, but will be back on Monday.

V/R
Patrick

Fro (b) (6).com>

Sent: Thursday, April 18, 2019 9:27 AM

To: FLANAGAN, PATRICK (b) (6), (b) (7)(C)

Subject: Meeting Request

Patrick,

So, it looks like they sucked you back in to the black hole. Hope your hair isn't on fire at this point. I'm sure S1 is busy getting strapped in to his new role, but I wanted to see if he was amenable to meeting with our CEO and Homeland Security Business leadership. We are flexible on timing. Let me know if that is something we could arrange.

Best,

(b) (6)

(b) (6) **Leidos**

Vice President | Department of Homeland Security

Associate Strategic Account Executive

C (b) (6)
(b) (6) [leidos.com](mailto:(b) (6)@leidos.com)

