



Homeland
Security

Privacy Office, Mail Stop 0655

April 6, 2021

SENT VIA E-MAIL TO: foia@americanoversight.org

Austin Evers
Executive Director
American Oversight
1030 15th Street, NW, Suite B255
Washington, DC 20005

Re: **2020-HQFO-01266**

Dear Mr. Evers:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated June 11, 2020, and received by this office on June 11, 2020. You are seeking:

1. Any final assessments, reports, analyses, recommendations, or guidance prepared by your agency or received from other agencies (including from the Centers for Disease Control and Prevention (CDC)) regarding the effects or impacts of the use of chemical irritants or crowd dispersants (including tear gas, pepper spray, or any other “riot control agents,” including but not limited to chloroacetophenone (CN) and chlorobenzylidenemalononitrile (CS)) during the coronavirus pandemic, including risks that such use could increase the spread of the virus such as by causing people to cough and wheeze, exacerbate symptoms of individuals with COVID-19, or increase the risk of contracting coronavirus and other respiratory illnesses in the future by damaging people’s lungs.
2. Any final assessments, reports, analyses, recommendations, or guidance prepared by your agency or received from other agencies (including from the Centers for Disease Control and Prevention (CDC)) regarding the effects or impacts of the crowd control or riot control techniques, including “kettling,”⁴ during the coronavirus pandemic, including the risk that such techniques could increase the spread of the virus.
3. Any final assessments, reports, analyses, recommendations, or guidance prepared by your agency or received from other agencies (including from the Centers for Disease Control and Prevention (CDC)) regarding the effects or impacts of mass arrests, jailing, or detention during the coronavirus pandemic, including the risk that such practices could increase the spread of the virus.

We conducted a comprehensive search of files within the Office of the Chief Information Officer and the Transportation Security Administration (TSA) for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records.

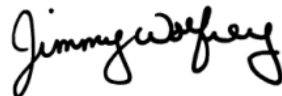
As previously mentioned, the DHS Privacy Office transferred this request to the FOIA Officers for United States Secret Service (USSS), United States Immigration & Customs Enforcement (ICE), and U. S. Customs & Border Protection (CBP), for processing under the FOIA and direct response to you. The DHS Privacy Office is also responding on behalf of TSA.

While an adequate search was conducted, you have the right to appeal this determination that no records exist within that would be responsive to your request. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Avenue, SE, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.5(e)(2). Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

If you need any further assistance or would like to discuss any aspect of your request, please contact the analyst below who processed your request and refer to **2020-HQFO-01266**. You may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner. Additionally, you have a right to 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. 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.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

Sincerely,



Jimmy Wolfrey
Senior Director, FOIA Operations and Management
(Acting)