



Homeland
Security

December 16, 2020

SENT BY ELECTRONIC MAIL TO: foia@americanoversight.org

American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005

Re: Freedom of Information Act Request 2021-IAFO-00033

Dear Requester,

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) and you requested the following:

You requested expedited review of this request for the reasons identified below and that DHS produce the following record as soon as practicable, and at least within twenty business days:

1. The unclassified analysis produced on or about September 3, 2020, by DHS's Office of Intelligence and Analysis, regarding attempts by a foreign actor to undermine the U.S. electoral system.
2. Given that this request is limited to one specific, recent, high-profile, and readily identifiable document, American Oversight expects that, in addition to qualifying for expedited treatment, this request can be processed on the Simple processing track, and result in a swift response from DHS.

Under the FOIA, the Department has no obligation to create, compile, or obtain from outside the Department a record to satisfy a 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, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

I&A hereby neither confirms nor denies that such records may or may not exist.

If you deem this to be an adverse determination, you may exercise your appeal rights.¹ Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date

¹ For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See U.S.C. 552© (2006 & Supp. IV 2010). This response is limited to to

of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

You may contact the FOIA Requester Service Center for the Office of Intelligence and Analysis (I&A) for any further assistance; to discuss any aspect of your request; to discuss reformulation of your request; and/or to discuss an alternative time frame for the processing of your request at:

U.S. Department of Homeland Security
Intelligence and Analysis (I&A)
Email: I&AFOIA@HQ.DHS.GOV
Refer to 2021-IAFO-00033

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: 202-741-5770
Toll free: 1-877-684-6448
Fax: 202-741-5769

Please note that contacting any agency official (including the FOIA analyst, FOIA Requester Service Center, FOIA Public Liaison) and/or OGIS **is not** an alternative to filing an administrative appeal and **does not** stop the 90-day appeal clock.

Sincerely,


K. Small
Assistant FOIA Officer

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.