



Homeland
Security

March 22, 2021

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

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

Re: Freedom of Information Act Request 2021-IAFO-00109

Dear Requester Evers:

This is to advise you of further action taken on your Freedom of Information Act/Privacy Act (FOIA/PA) request to the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A), dated October 13, 2020, and received in this office on October 13, 2020. You are seeking:

1. records regarding any final orders, directives, guidance, memoranda, or analyses regarding any investigations, evaluations, reviews, or probes into (a) Black Lives Matter protestors or leadership, including but not limited to Patrisse Cullors, Alicia Garza, and Opal Tometi, or (b)
2. Antifa protestors or purported leadership (Date Range for Record Search: From 7/1/2020 To 10/13/2020).

After considering the nature of your request, I&A has determined that the fact of the existence or nonexistence of records pertaining to your request would be exempted from disclosure pursuant to the Freedom of Information Act (FOIA) Exemptions 3 and 7(E). Your request is denied under exemption 3 pursuant to Title 50 US Code § 3024(i) and 6 U.S.C. § 121(d)(9), which protect intelligence sources and methods from unauthorized disclosure. Additionally, we are neither confirming nor denying the existence of records under exemption 7(E) as disclosure of the information you requested would reveal law enforcement techniques or procedures and the circumstances under which those procedures or techniques were used.

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), as well as the Public Liaison, Brendan Henry 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
Telephone: (202) 282-8826
Refer to 2020-IAFO-00109

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,
Priscilla Waters

Priscilla Waters
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.