U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

Privacy Office, Mail Stop 0655

July 10, 2020

SENT VIA EMAIL TO: FOIA@AMERICANOVERSIGHT.ORG

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

RE: FPS Case Number 2020-FPFO-00186
DHS Case Number 2020-HQFO-01276

Dear Mr. Evers:

This is our final response to your June 10, 2020, Freedom of Information Act (FOIA) request to the U.S. Department of Homeland Security (DHS) seeking:

1. Any database, spreadsheet, or other document used or potentially used, for the tracking, monitoring, surveillance, or investigation of protesters, demonstrators, organizers, coordinators, members of the press, or other individuals present at protests or activities surrounding those protests (including purportedly unlawful activities) sparked by the police killing of George Floyd on May 25, 2020, including potential or purported unlawful activity, "civil unrest," "civil disturbance," or threats to public safety. Tracking and surveillance includes any identification, observation, monitoring, or recording of individuals, groups, or social media accounts, whether by physical or electronic means, including but not limited to the use of aircraft, drones, international mobile subscriber identity (IMSI) catcher devices, facial recognition technology, or other software.

2. Any guidance (including directives, memoranda, protocols, or other records reflecting guidance) developed by or provided to your agency regarding the tracking, monitoring, surveillance, or investigation of protesters, demonstrators, organizers, coordinators, members of the press, or other individuals present at the nationwide protests or activities surrounding those protests (including purportedly unlawful activities) sparked by the police killing of George Floyd on May 25, 2020, including potential or purported unlawful activity, "civil unrest," "civil disturbance," or threats to public safety. Tracking and surveillance includes any identification, observation, monitoring, or recording of individuals, groups, or social media accounts, whether by physical or electronic means, including but not limited to the use of aircraft, drones, international mobile subscriber identity (IMSI) catcher devices, facial recognition technology, or other software.

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Responsive records would be dated from May 26, 2020, to the date the search is conducted (June 23, 2020).

We conducted a comprehensive search of files within the Federal Protective Service (FPS) for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records.

While an adequate search was conducted, you have the right to appeal the above withholding determination. 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 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 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to $25.00, unless you seek a waiver of fees. In this instance, you were granted a fee waiver; thus, there is no charge.

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 at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is 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.

If you need to contact our office again about this matter, please refer to **2020-FPFO-00186**. This office can be reached at FOIA@HQ.DHS.GOV or call 202-343-1743 or toll free 1-866-431-0486.

Sincerely,

James V.M.L. Holzer

James V.M.L. Holzer
Deputy Chief FOIA Officer

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