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

foia@americanoversight.org

09/29/2023

Dear American Oversight,

This is a final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) in which you requested any guidance, 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 sparked by the police killing of George Floyd on May 25, 2020.

CBP is granting your request under the FOIA, Title 5 U.S.C. §552. CBP has conducted a reasonable and adequate search for information concerning your request and has made the requested records available pursuant to 5 U.S.C. §552(a)(2). Upon review of your request, we have determined that documents responsive to your request can be found on the CBP FOIA Reading Room at the following link:

https://www.cbp.gov/document/foia-record/civil-unrest-and-disturbance-related-death-george-floyd-released-cbp.
In addition, you may have already received potentially responsive documents in the American Oversight v. United States Department of Jusice, et al litgation, Case No. 1:20cv2153 (D.D.C.)/Agency Cases CBP-2020-062312 &CBP-2020-066756.

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

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). The documents have been released with redactions pursuant to 5 U.S.C. §552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(E) and (b)(7)(F). A description of the exemptions applied can be found at: https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/definitions-exemptions-foia_0.pdf.

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.

This completes the CBP response to your request. You may contact CBP's FOIA Public Liaison, by sending an email to CBPFOIAPUBLICLIAISON@cbp.dhs.gov, mailing a letter to 90 K St, NE MS 1181, Washington DC, 20229 or by calling 202-325-0150. (If you need telecommunication relay service (TRS) assistance to communicate with the CBP FOIA Office and you are in the United States, please dial 711 to obtain TRS assistance and notify the Communications Assistant that you want to contact the CBP FOIA Office at the telephone number (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-2020-059396 on any future correspondence to CBP related to this request.

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

AMERICAN OVERSIGHT

possible to help us understand the grounds for your appeal. U.S. Customs and Border Protection (CBP) ended participation in FOIAonline on September 30, 2022. Requesters can now use the DHS Portal to send requests and appeals to CBP. If you do not have a DHS Portal account, you must send your appeal and a copy of this letter to: FOIA Appeals and Policy Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177. We encourage you to submit your appeal through the DHS Portal. Any appeals sent to CBP during the transition will need to be manually entered by staff after the transition is complete and will divert resources away from processing appeals. 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

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