



Transactional Records Access Clearinghouse
Syracuse University

February 28, 2013

Catrina Pavlik-Keenan, FOIA Director
U.S. Immigration and Customs Enforcement
800 North Capitol St., NW
5th Floor, Suite 585
Washington, DC 20536

Re: FOIA request – “augmented” FOIA logs on responses issued during February 1 – February 28, 2013

Dear FOIA Director Pavlik-Keenan:

The FOIA logs that your office has posted do not provide updated information on the outcome of each request: for example, was this a full release, a partial release, all records withheld, no records found, closed because estimated fees not paid, etc. The logs are also organized by when a request is received, and not by when ICE responded to the request.

Under the provisions of the Freedom of Information Act we are requesting “augmented” FOIA logs that provide information concerning each FOIA request on which “final” FOIA responses have been issued during February 1 through February 28, 2013. Note that we are requesting FOIA cases *closed* during January, irrespective of the month that the FOIA requests were received by your office.

We note that TRAC submits requests for augmented FOIA logs on a regular monthly cycle. However, the search criteria apparently used in locating which records and fields of information are contained in the augmented log file we actually receive is usually different each month. Given the recurring nature of our requests, we would recommend that having a standardized query you apply each month would make the process more efficient at your end. It also should help you comply with the law and avoid unlawful withholding because of the deficient nature of the search procedures you are applying. Please let us know if there is anything we can do at our end to make the processing of these requests go more smoothly at your end.

Definition of “interim” and “final” FOIA responses. An “interim” FOIA response is one providing a substantive response on some requested records, but does not dispose of all outstanding issues and leaves the case still open. It may or may not provide notice of appeal rights with respect to the records covered. A “final” FOIA response is one that disposes of all outstanding issues on a case allowing that case to be closed.

Definition of “augmented” FOIA logs. By “augmented” FOIA logs we wish information on the following items of information for each FOIA request that was closed during the past month:

- 1) Agency Tracking Info:
 - a) Case number assigned

- b) Fiscal year case number corresponds to
- 2) Dates relating to FOIA request:
 - a) Date of request
 - b) Date request received
 - c) Date request entered in agency tracking system
- 3) Dates relating to agency response
 - a) Date of any interim response(s)
 - b) Date of final response
 - c) Date final response mailed
- 4) Information relating to requestor
 - a) First name
 - b) Middle name or initial
 - c) Last name
 - d) Company of requestor
 - e) Location of requestor:
 - i) City
 - ii) State
 - iii) Zipcode
- 5) Documents requested (description)
- 6) High profile request
- 7) Processing information:
 - a) Processor id (i.e., also provided in online status query response)
 - b) Date processor assigned
 - c) Processing track: simple, complex, expedited, etc.
 - d) Expedited processing:
 - i) Whether or not expedited processing was requested
 - ii) Date requested
 - iii) Granted or denied
 - iv) Date granted or denied
- 8) Requestor classification (media, educational, commercial, individual, other etc.)
- 9) Unperfected requests:
 - a) Whether notification sent that request not considered a perfected request
 - b) Date notification sent
 - c) Whether tolling of deadline occurred
 - d) Days deadline tolled because because perfected request not yet received
- 10) Fee waiver:
 - a) Whether or not fee waiver was requested
 - b) Date requested
 - c) Granted or denied
 - d) Date granted or denied
- 11) Fees
 - a) Total amount due
 - b) Total amount received
 - c) Whether or not an advance fee deposit ever required
 - d) Date advance fee deposit notification sent
 - e) Amount of advance payment required
- 12) Disposition details:
 - a) Type of disposition: full grant, partial grant, full denial, other, etc.
 - b) Disposition reason (no records found, not agency record, fugitive, fee-reason, etc.)

- c) Other disclosure
 - d) Exemptions claimed (Ex 1, 2, 3, 4, 5, 6, 7(A), 7(B), 7(C), 7(D), 7(E), 7(F), 8, 9)
 - e) Specific exemption 3 statute claimed
 - f) Exemption 3 statute description
 - g) Pages/volume of records released in full
 - h) Pages/volume of records withheld
 - i) Pages/volume of records released with redactions
 - j) Discretionary release
- 13) Other agency case number
- 14) Appeals
- a) Whether response was appealed
 - b) Date of appeal
 - c) OPLA tracking number assigned
- 15) Litigation
- a) Whether lawsuit was filed challenging withholding
 - b) Date lawsuit filed
 - c) Court docket number
 - d) District suite filed in

To facilitate matters we have revised our list of items. They are now organized by topic. Most of the items reflect information fields which you have previously provided to us. We have used these categories under the assumption that such items will be straightforward for you to provide, and thus minimize the time needed to provide us with a response. Should we be mistaken in this assumption, please advise us promptly of your concerns. We would like to work cooperatively with the agency to establish a standardized request that takes into consideration your processing concerns since we anticipate making requests of this type on a regular recurring basis. Thus, we would be delighted to receive any suggestions you may have that might make it easier for you to process our request. Please don't hesitate to call (315-443-3563) or email us (trac@syr.edu) as we stand ready to assist you.

We further request that these information items be provided -- as you have in the past -- in an electronic spreadsheet (xlsx) format. Should this not be possible for some reason, please contact us to discuss suitable alternative formats prior to making any copies.

We request that we be classified as a representative of the news media under the provisions of the Freedom of Information Act, and as representatives of an educational or noncommercial scientific institution, whose purpose includes scholarly, scientific research. TRAC is a research data center at Syracuse University, and under the direction of its co-directors, Long and Burnham, carries out an active program of scholarly research. As its name implies, TRAC as part of its educational and service mission also serves as a clearinghouse and regularly responds to inquiries from the press, scholars, public interest groups, and other members of the public on where to find government information and the specific types of information available. One of our specialties is computerized federal databases maintained by agencies to record day-by-day activities required for managing the agency and reporting on its performance to various oversight bodies. TRAC actively seeks to promote public understanding of both the operation of the federal government's immigration enforcement programs as well as policies promoting transparency and open government practices. We do this through the gathering and dissemination of information on agency day-to-day activities. At TRAC, we actively gather information of interest to the public, transform this information utilizing our editorial and research expertise into various works -- including computerized knowledge bases and reports -- and make these works available to the public. For example, recent TRAC reports on immigration issues can be viewed at: <http://trac.syr.edu/immigration/reports/>.

We also request a full waiver of fees. Disclosure of the requested information is in the public interest. Your FOIA tracking system is the source of information the agency uses to record its day-to-day activities regarding compliance with the Freedom of Information Act, the agency's FOIA regulations, FOIA reporting requirements, and many aspects of the Obama Administration's directives concerning fostering transparency and open government. Thus, access to this basic information is fundamental to the public's ability to become informed about these vital government activities. It is the source for key performance measures the agency is required to prepare, and is used in support of the agency's budget requests. The requested records will be used as part of our educational and public service activities to help individuals and organizations find the information they need concerning agency policies and practices with respect to FOIA and open government matters. It will also be used to inform TRAC's own research on these topics. The results from our research should help address these critical gaps in knowledge and thereby contribute significantly to public understanding of the operations and activities of the government. Research results, as has been the case for our previous studies, will be made publicly available and widely distributed through their publication on our web sites (<http://trac.syr.edu/> and <http://foiaproj.org>). We have previously provided detailed information to support earlier classification and fee waiver requests, and we incorporate by reference in this request's justification all of the details contained in the August 1, 2006 letter sent on our behalf by our attorneys at Covington & Burling, LLP. Please let us know if you would like us to furnish an additional copy of this letter for your files.

Finally, we call your attention to the strict time limits set for furnishing requested records under 5 U.S.C. 552. We would very much appreciate your prompt action and response on this request.

Should you have any questions, or if we can be of any assistance, please feel free to contact us. You can reach Long at (315) 443-3563 or by email at suelong@syr.edu. Thank you very much.

Sincerely,



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