

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN CIVIL LIBERTIES)
UNION, et al.,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES DEPARTMENT)
OF HOMELAND SECURITY, et al.,)
)
Defendants.)
_____)

Case No. 1:16-cv-221 (CKK)

SEVENTH JOINT STATUS REPORT

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit this Seventh Joint Status Report in response to the Court’s March 21, 2017 Order.

BACKGROUND

This lawsuit arises out of a FOIA Request (the “Request”) dated May 13, 2015 for records concerning the government’s Countering Violent Extremism (“CVE”) programs.¹ On March 20, 2017, the parties filed their sixth joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA Request. ECF No. 24. On March 21, 2017, the Court ordered the parties to file a further joint status report by June 21, 2017.

UPDATED STATUS

The parties continue to confer regarding Defendants’ responses to Plaintiffs’ Request.

¹ Plaintiffs’ FOIA claims against Defendant Department of Education pertain only to a FOIA request dated October 15, 2015 concerning CVE.

Defendants state the following regarding their production of responsive, non-exempt records:²

Department of Homeland Security. The Department of Homeland Security (“DHS”) Office of Intelligence & Analysis made a production on March 31, 2017 and April 28, 2017 of material referred to it for direct release.

The Science and Technology Directorate at DHS made a production on May 12, 2017 of material referred to it for direct release to Plaintiffs.

The Federal Emergency Management Agency at DHS made a production on May 12, 2017 of material referred to it for direct release to Plaintiffs.

Pursuant to the processing and production schedule in the parties’ December 21, 2016 Joint Status Report, the DHS Privacy Office made interim productions on March 31, 2017, April 27, 2017, and May 31, 2017. The DHS Privacy Office will continue its processing and release of records in accordance with the December 21, 2016 Joint Status Report.

Pursuant to the March 20, 2017 Joint Status Report, the National Protection and Programs Directorate (“NPPD”) at DHS made interim productions or responses on March 31, 2017, May 1, 2017, and May 31, 2017.³ NPPD will continue its processing and release of records in accordance with the March 20, 2017 Joint Status Report. NPPD is currently reviewing the records collected from its initial search and is in the process of converting those records into a searchable format to more efficiently remove non-responsive records⁴ and in order to process the responsive non-exempt information for release.

² Plaintiffs do not concede that the searches Defendants have conducted to this point are adequate or that the material Defendants have withheld in part or in full is properly subject to exemption.

³ The parties agreed to extend NPPD’s response date for its April processing to May 1, 2017.

⁴ NPPD determined that all pages processed during April and May were not responsive to the FOIA request.

Department of Justice. On April 13, 2017, the Federal Bureau of Investigation (“FBI”) re-released 4 pages of material without redactions. On June 20, 2017, the FBI made a production of material referred to it for direct release to Plaintiffs.

Department of State. Pursuant to the processing and production schedule in the parties December 21, 2016 Joint Status Report, the Department of State (“State”) made interim productions on March 31, 2017, April 28, 2017, and May 31, 2017. State will continue its processing and release of records in accordance with the December 21, 2016 Joint Status Report.

Office of the Director of National Intelligence. The Office of the Director of National Intelligence made a production on April 27, 2017 and June 8, 2017 of material referred to it for direct release to Plaintiffs.

Department of Education. The Department of Education made a production on May 3, 2017 of material referred to it for direct release to Plaintiffs.

REQUESTED COURT ACTION

The parties respectfully suggest that the Court order the parties to file a joint status report no later than September 21, 2017.

Dated: June 20, 2017

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Respectfully submitted,

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