

**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)

THIRTEENTH JOINT STATUS REPORT

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit this Thirteenth Joint Status Report in response to the Court’s January 29, 2019 Minute 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 October 18, 2018, the parties filed their twelfth joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA Request. ECF No. 31. That same day, the Court ordered the parties to file a further joint status report on or before January 18, 2019, and that deadline was subsequently extended to February 22, 2019 in light of Defendants’ Motion to Stay in Light of the Lapse in Appropriations, *see* ECF Nos. 32 & 33; January 15, 2019 and January 29, 2019 Minute Orders.

UPDATED STATUS

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

The parties continue to confer regarding Defendants' responses to Plaintiffs' Request. Defendants state the following regarding their production of responsive, non-exempt records:²

Department of Homeland Security. Pursuant to the processing and production schedule in the parties' December 21, 2016 Joint Status Report, the Department of Homeland Security ("DHS") Privacy Office made interim productions on October 31, 2018 and November 29, 2018. In light of the lapse of appropriations and by agreement of the parties, the DHS Privacy Office made its next interim production on February 8, 2019. The DHS Privacy Office will resume in February 2019 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 Cybersecurity & Infrastructure Security Agency ("CISA") at DHS, formerly known as the National Protection and Programs Directorate ("NPPD"), made an interim response on October 31, 2018, November 30, 2018, and December 17, 2018.³ In light of the lapse of appropriations and by agreement of the parties, CISA will resume in February its processing and release of records in accordance with the March 20, 2017 Joint Status Report.

Department of State. Pursuant to the processing and production schedule in the parties' July 18, 2018 Joint Status Report, the Department of State ("State") made an interim production on October 30, 2018, November 30, 2018, and December 20, 2018. Also on November 30, 2018, State made a production of material referred to it for direct response to Plaintiffs. The

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 NPPD determined that all pages processed during October were nonresponsive or should be referred to another agency, and CISA determined that all pages processed during November and December were nonresponsive.

parties have agreed that in lieu of the processing and production schedule set forth in the July 18, 2018 Joint Status Report State, State will make monthly interim productions on or before the last day of each month when that month's processed material is responsive and non-exempt, with an expected final production to occur on or before August 31, 2019.

Department of Justice. The Federal Bureau of Investigation made a production on February 4, 2019 of material referred to it for direct response to Plaintiffs.

In the October 18, 2018 Joint Status Report, the parties informed the Court that they were discussing the scope of the FOIA requests to State, DHS Privacy Office, and DHS CISA. Since then, the parties have reached agreement with respect to certain limitations with respect to the DHS Privacy Office's and State's remaining productions. The parties will continue to discuss the scope of the FOIA requests and respectfully ask that the Court provide them additional time for these discussions to proceed.

Because this Court ordered the parties to file an additional joint status report every 90 days, *see* October 18, 2018 Minute Order, the parties anticipate filing another joint status report no later than May 23, 2019.

Dated: February 22, 2019

Respectfully submitted,

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