



Homeland Security

September 27, 2010

Nathan Paul Mehrens
Counsel
Americans for Limited Government
9900 Main Street, Suite 303
Fairfax, VA 22031

Re: **DHS/OS/PRIV 10-0955**

Dear Mr. Mehrens:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated and received in this office on August 4, 2010. Your request references a July 21, 2010 Associated Press article concerning political involvement in the FOIA process and seeks records of any such conduct regarding your previous FOIA number DHS/OS/PRIV 09-502, to include copies of communications regarding FOIA number DHS/OS/PRIV 09-502 that were created by any:

- (1.) Non-career Senior Executive Service (SES) personnel in the Department;
- (2.) Schedule C personnel in the Department;
- (3.) Presidential Appointment (PA) personnel in the Department *i.e.*, position in which the incumbent serves at the pleasure of the President; and
- (4.) Presidential Appointees in the Department requiring confirmation by the U.S. Senate.

A search of for documents responsive to your request produced a total of 21 pages. As a result of discussion among agency personnel, as a matter of administrative discretion, I am releasing 5 pages in their entirety and 16 pages in part pursuant to Title 5, United States Code, Section (b)(6), FOIA Exemption 6 as described below.

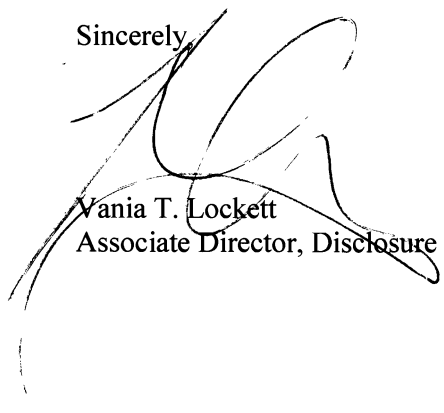
FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a 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 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As it pertains to your request for a fee waiver, in this instance, because the cost is below the \$14 minimum, there is no charge associated with this response. As such, your request for a fee waiver is moot.

If you need to contact our office again about this matter, please refer to **DHS/OS/PRIV 10-0955**. This office can be reached at 703-235-0790.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Lockett', is written over the typed name and title.

Vania T. Lockett
Associate Director, Disclosure & FOIA Operations

Enclosure(s): As stated 21 Pages