



# Homeland Security

Privacy Office, Mail Stop 0655

May 19, 2011

Matt Ehling  
President  
Public Record Media  
2375 University Ave West  
Suite 200  
Saint Paul, MN 55114

Re: **DHS/OS/PRIV 11-0842**

Dear Mr. Ehling:

This is the DHS Privacy Office's final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated May 3, 2011, and received by this office on May 10, 2011. You are seeking any and all paper, electronic or other records involving:

- 1) Any correspondence between any staff member of the Department of Homeland Security (DHS) Privacy Office, and any staff member of the U.S. Coast Guard (USCG) that relates to USCG FOIA request 2010-2784;
- 2) Any correspondence between any staff member of the DHS Privacy Office, and any staff member of the White House and/or Executive Office of the President that relates to USCG FOIA request 2010-2784;
- 3) Any correspondence between any staff member of the DHS Privacy Office, and any staff member of the USCG that relates to FOIA requests regarding the private security firm Talon Security -or any company with a substantially similar name -undertaken between April 20, 2010, and May 3, 2011;
- 4) Any correspondence between any staff member of the DHS Privacy Office, and any staff member of the White House and/or Executive Office of the President that relates to FOIA requests regarding the private security firm Talon Security -or any company with a substantially similar name undertaken between April 20, 2010, and May 3, 2011.

Per our telephone conversation on May 18, 2011, you clarified that you wanted the correspondence transfer memo from the DHS Privacy Office sent to the U. S. Coast Guard (USCG) that transferred your initial request dated March 28, 2011 to fulfill item 1 of your May

3, 2011 request. A search of the DHS Privacy Office for documents responsive to your request produced a total of 7 pages including the DHS Privacy Office's transfer email to USCG, the transfer memo, your initial request, and the DHS Privacy Office's response to your initial request. I have determined that 6 pages of the records are releasable in their entirety and 1 page is partially releasable pursuant to Title 5 U.S.C. § 552 (b)(6), FOIA Exemptions 6.

Enclosed are 7 pages with certain information withheld 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 to 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.

As it relates to items 2, 3 and 4, we conducted a comprehensive search of files within the DHS Electronic Correspondence Tracking System (ECT) and the DHS Privacy Office for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records.

Based on ECT and the DHS Privacy Office search of your request, I have determined that the information you are seeking is most likely under the purview of the U.S. Coast Guard (USCG). Therefore, I am referring your request to the FOIA Officer for USCG, Donald Taylor, for processing and direct response to you. You may contact that office in writing at U.S. Coast Guard, Commandant (CG-611), 2100 2<sup>nd</sup> Street, S.W., Attn: FOIA Coordinator, Washington, D.C. 20593-0001 or via telephone at 202-475-3526.

You have the right to appeal the above withholding determination, in addition to the determination that no records exist within the DHS Privacy Office that would be responsive to items 2, 3, and 4 of your request. 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 FOIA 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](http://www.dhs.gov/foia).

The Office of Government Information Services (OGIS) also 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. If you wish to contact OGIS, you may email them at [ogis@nara.gov](mailto:ogis@nara.gov) or call 1-877-684-6448.

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 DHS Privacy Office response. As such, your request for a fee waiver is moot.

If you need to contact our office concerning this request, please call 866-431-0486 and refer to **DHS/OS/PRIV 11-0842**.

Sincerely,



Mia Day  
FOIA Program Specialist

Enclosure(s): Responsive Documents, 7 pages

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**From:** (b) (6)  
**Sent:** Friday, April 22, 2011 3:35 PM  
**To:** Taylor, Donald  
**Cc:** (b) (6)  
**Subject:** New FOIA Request - DHS PRIV Transfer to USCG - Flagged Request - PRIV 11-0674  
**Attachments:** 11-0674 transfer memo to USCG.pdf; 11-0674 Request.pdf; 11-0674 Response.pdf

Donald,

Attached is a memo transferring a new FOIA request, PRIV 11-0674, to USCG for direct response to the requester. For items 2-4 of the request, I searched ECT and also within Privacy Office FOIA files for any responsive records. We did not find any records. Please let me know if you have any questions.

Please note that this is a Flagged request for DHS Front Office 1-day advisement.

Attachments:

- 1) Initial Request
- 2) DHS PRIV response to the requester
- 3) DHS PRIV transfer memo for USCG

Thank You,

(b) (6)

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