



Homeland Security

August 26, 2010

Ms. Katherine Gallagher
Senior Staff Attorney
Center for Constitutional Rights
666 Broadway, 6th Floor
New York, NY 10012

Re: **DHS/OS/PRIV 10-0824**

Dear Ms. Gallagher:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated August 13, 2010 and your request for a fee waiver and expedited processing. Your request was received in this office on August 18, 2010. You are seeking all records relating to the May 31, 2010 Israeli military operation that occurred in international waters in the Mediterranean Sea involving a six-foot boat flotilla headed to Gaza with humanitarian supplies, including the U.S. registered "Challenger I" and Comoros-registered "Mavi Marmara," which was forcefully intercepted by Israeli Defense Forces, resulting in the death of 9 passengers on board the Mavi Marmara, including one U.S. Citizen and the injury of many more.

As it relates to your request for expedited treatment, your request is denied. Clearly, the lack of expedited treatment in this case will not pose an imminent threat to the life or physical safety of an individual. While you may be primarily engaged in the disseminating of information, you have not detailed with specificity why you feel there is an urgency to inform the public about Israeli military operation against the Gaza flotilla. This urgency would need to exceed the public's right to know about government activity generally. Nor did you offer any supporting evidence of an interest of the public that is any greater than the public's general interest in Israel Defense Forces. Your letter was conclusory in nature and did not present any facts to justify a grant of expedited processing under the applicable standards.

If you deem the decision to deny expedited treatment of your request an adverse determination, you may exercise your appeal rights. Should you wish to do so, you must send your appeal and a copy of this letter within 60 days of receipt of this letter to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in Subpart A, Section 5.9, of the DHS Regulations. Your envelope and letter should be marked "Freedom of Information Act Appeal." Copies of the DHS regulations are available at: www.dhs.gov/foia.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. §

552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government;" (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be "significant;" (5) Whether the requestor has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

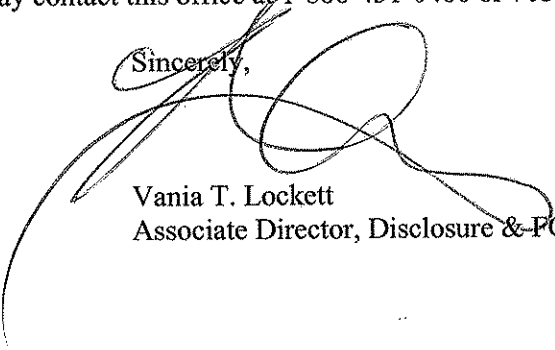
In the event that your fee waiver is denied we shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to educational requestors. As an educational requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. You will be promptly notified once a determination is made regarding your fee waiver request.

Upon initial review of your request, I have determined that if such information exists, it may be under the purview of the DHS Office of Intelligence and Analysis (OI&A). Therefore, I am referring your request to the FOIA Officer for OI&A, Quinton Mason, for processing and direct response to you. You may contact that office in writing at U.S. Department of Homeland Security, Office of Intelligence and Analysis, Washington, D.C. 20528 or via telephone at 202-282-9385.

We have queried the appropriate component of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **DHS/OS/PRIV 10-0824**. Please refer to this identifier in any future correspondence. You may contact this office at 1-866-431-0486 or 703-235-0790.

Sincerely,



Vania T. Lockett
Associate Director, Disclosure & POIA Operations