U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 9, 2019

BY ECF
The Honorable Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2203
New York, NY 10007

Re: *Knight First Amendment Institute v. U.S. Dep't of Homeland Security et al.*, No. 17 Civ. 7572 (ALC)

Dear Judge Carter:

I write respectfully on behalf of United States Department of Homeland Security ("DHS"), a defendant in the above-referenced FOIA action, to provide a status update regarding DHS's ongoing searches.

As the Court is aware, DHS voluntarily agreed to conduct a new search for documents responsive to plaintiff's Narrowed FOIA Request.[1] Thereafter, DHS conducted searches suggested by plaintiff, which resulted in more than 1.6 terabytes data, gathering largely unresponsive documents. At a status conference on July 16, 2019, the parties reported that DHS and plaintiff had agreed to a new set of search terms, and on July 19, 2019, the parties filed a joint status report concerning those searches, outlining each of four searches (Searches 1a, 1b, 2a, and 2b) and indicating that DHS would conduct those searches in the following order: 2a, 2b, 1a and finally 1b. *See* Dkt. No. 129.

As DHS reported on August 2, 2019, Search 2a resulted in the collection of approximately 764,000 emails (before applying the de-duping process). *See* Dkt. No. 133. Thereafter, plaintiff and DHS again conferred regarding other reasonable ways to narrow Search 2a, and on Friday, August 2, the parties agreed to new, narrowed terms. On Monday, August 5, the DHS Privacy Office tasked the Office of the Chief Information Officer (OCIO) with conducting that new search; the search will be completed by Thursday, August 15, at which point DHS will know the volume of the results and will communicate as much to plaintiff. DHS respectfully requests the opportunity to update the Court on these efforts by August 21, 2019.

[1] As explained in the parties' prior submissions, plaintiff agreed to narrow the scope of the original FOIA request after commencing this action. *See, e.g.*, Dkt. No. 48 at ¶ 2.

I thank the Court for considering this matter.

Respectfully,

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By: */s/ Ellen Blain*

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