EXHIBIT HH

1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

June 4, 2020

SENT BY ELECTRONIC MAIL TO: carrie.decell@knightcolumbia.org

Katherine Fallow
Knight First Amendment Institute
535 West 116th Street
314 Low Library
New York, NY 10027

RE: CBP-2017-042463; *Knight First Amendment Institute v. DHS*, No. 1:17-cv-00548-TSC (D.D.C.)

Dear Attorney Fallow:

This is an electronic final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP), dated March 20, 2017, and received by this office on March 24, 2017. You requested the following:

1. Any document containing statistical information concerning the search, detention, retention, or sharing of electronic devices or information of individuals at the border (or functional equivalent of the border) since FY2012, including, but not limited to, documents reflecting:
    a. The number of travelers whose electronic devices or information were searched, detained, retained, or shared;
    b. The number or portion of those travelers who are U.S. citizens;
    c. The number or portion of those travelers who are lawful permanent residents or green card holders;
    d. The number or portion of those travelers by country of origin
    e. The number or portion of those travelers by gender, race, ethnicity, nationality, and/or country of birth;
    f. The number or portion of those travelers by port of entry; and
    g. The number or portion of those travelers by watch list, lookout, and/or other selectee status.

2. Documents relating to each instance since FY2012 in which CBP or ICE searched, detained, retained, or shared an electronic device or the information accessible on it, including, but not limited to:
    a. A list of the TECS data field categories used to record and track each electronic device conducted by CBP or ICE; and

b. All information contained in the TECS system used to record and track electronic device searches, detentions, retentions, and/or sharings.

3. Revisions of or documents supplementing or superseding:
   a. CBP Directive No. 3340-049
   b. ICE Directive No. 7-6.1

4. The following documents relating to any reviews of CBP's or ICE's polices or practices concerning electronic device searches:
   a. Any audits, impact assessments, or other reviews of CBP's or ICE's policies or practices concerning electronic device searches, including any such reports by the Office of Civil Rights and Civil Liberties, DHS's OIIG and CBP's Office of Internal Affairs, Management Inspection Division;
   b. Any policies, practices, procedures, and/or training material adopted as a result of any audits, impact assessments, or other reviews of how CBP and ICE conduct electronic device searches; and
   c. Any document reflecting annual or semi-annual examinations by CBP or ICE of electronic device searches by port of entry, as adopted in response to the 2011 Impact Assessment.

5. Documents, including tear sheets and TRIP records, containing or relating to complaints filed by individuals or organizations about CBP's and/or ICE's search, review, retention or sharing of the information on travelers' electronic device.

6. Documents reflecting policies, practices, or procedures concerning how CBP officers handle "privileged or other sensitive material," including "work-related information carried by journalist," as referenced in § 5.2 of the CBP Directive.

7. Documents reflecting policies, practices, or procedures concerning CBP's anti-discrimination policy as applied to discretionary device searches.

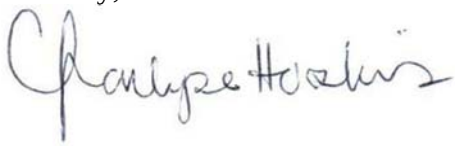
On September 15, 2017, our office released a document titled CBP000147_Redacted. We withheld certain information from this document pursuant to the enumerated exemptions to the FOIA. Among the information we withheld pursuant to Exemption (b)(7)(E) was the total number of searches by gender.

After reviewing our release, you pointed out that CBP released the gender of the subject of each search in the summary spreadsheet but redacted the total number of searches by gender in CBP000147_Redacted. The agency revisited the release and is providing the total number of searches by gender to remain consistent.

Today the agency releases the document titled CBP000147_Redacted totaling eight pages. All other redactions beyond those described above remain.

If you need to contact CBP about this matter, please contact the Department of Justice Attorney, David Glass at David.Glass@usdoj.gov.

Sincerely,



Charlyse Hoskins
Government Information Specialist

Enclosures