Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20528

Nusrat Choudhury
American Civil Liberties Union
125 Broad Street, 18thFloor
New York, NY 10004

Re: PRIV 11-0292

Dear Ms. Nusrat Choudhury,

September 30, 2011

fV SPM\ Homeland

Security

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL), dated December 16, 2010. You are seeking all records created since September 11, 2001 pertaining to CBP's authority to question an individual during inspection at a port of entry to the United States about political views or opinions, religious beliefs, associations, and religious practices and charitable giving.

A search of CRCL for documents responsive to your request produced a total of 629 responsive pages. As a result of discussion between agency personnel and members of my staff, as a matter of administrative discretion, I am releasing 434 pages. I have determined that 72 pages of the records are releasable in their entirety, 362 pages are partially releasable, and 195 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(5), (b)(6), and (b)(7)(C).

Exemption 5 — Protects the integrity of the deliberative or policy-making processes within the agency by exempting from mandatory disclosure opinion, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. Example of information the Department of Homeland Security may withhold using 5: Draft documents and recommendations or other documents that reflect the personal opinion of the author rather than official agency position.

Exemption 6 — Protects information that would constitute a clearly unwarranted invasion of personal privacy of the individuals involved. Example of information the Department of

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.

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 or call 1-877-684-6448.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, there is no charge. 6 CFR § 5.11(d)(4).

If you need to contact our office again about this matter, please refer to PRIV 11-0292. This office can be reached at 202-357-7672.

Sincerely,
Fernando

Pineiro Jr.

Digitally signed by Fernando Pineiro Jr.
ON: cn=Fernando Pineiro Jr, o=DHS,
ou=CRCL/OGC,
emaIWFernando.Pineiro@dhs.gov, c=US
Date: 2011.09.3012:24:24 -04'00'

Fernando Pineiro Jr.
FOIA Officer

Enclosure: (434) pages