



Homeland
Security

February 3, 2017

Alina M. Semo
Director, Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Re: The DHS Privacy Office's Response to the Office of Government Information Services (OGIS) Report, "Compliance Review of the Department of Homeland Security Privacy Office," dated December 27, 2016

Dear Ms. Semo:

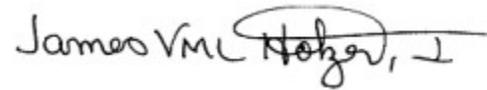
Thank you for the opportunity to review and comment on the subject report. The Department of Homeland Security (DHS) Privacy Office appreciates OGIS's (OGIS) work in planning and conducting its review and issuing this report regarding the DHS Privacy Office's compliance with certain provisions of the Freedom of Information Act (FOIA).

The DHS Privacy Office is pleased to note OGIS's three positive findings as follows: (1) the DHS Privacy Office supports efficient FOIA implementation; (2) the DHS Privacy Office provides oversight; and (3) the DHS Privacy Office supports good customer service. We appreciate the recognition for our efforts and accomplishments in promoting efficiency, effectiveness, and statutory compliance with the FOIA throughout the Department.

The DHS Privacy Office remains fully committed to improving the efficiency of its FOIA operations and promoting openness and transparency across the Department and will use the report to accomplish these goals. The DHS Privacy Office notes the report contained one formal recommendation with which we concur. Please see the attached for our detailed response to this recommendation. Although not a formal recommendation, the DHS Privacy Office notes the suggestion to rename the office to reflect the dual mission of the Chief Privacy Officer and the Chief FOIA Officer so as to greatly improve internal and external understanding of the office's key role in providing access to records and protecting personal privacy.

Again, thank you for the opportunity to review and comment on this report. Should you have any questions, please contact me at (202) 343-1743. We look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink that reads "James V.M.L. Holzer, J." The signature is written in a cursive style with a large, sweeping flourish at the end.

James V.M.L. Holzer
Deputy Chief FOIA Officer

Attachment: DHS Privacy Office Response to Recommendation Contained in OGIS's
Compliance Review of the Department of Homeland Security Privacy Office

Attachment: Response to Recommendation Contained in OGIS's Compliance Review of the Department of Homeland Security Privacy Office

Recommendation: Adopting a standard procedure and method for issuing guidance, as OIP does in issuing government-wide FOIA policy, would improve DHS components' compliance with FOIA and adherence to DHS FOIA policy. We recommend that the DHS Chief FOIA Officer adopt these practices. When warranted, issues of non-compliance should be raised to higher levels, including to the Secretary's office. The Privacy Office should also issue additional recommendations or corrective actions as necessary to bring components into compliance with the law and DHS policy.

Response: Concur. The DHS Privacy Office took several steps to ensure that the FOIA program at the Department operates more efficiently. The Department finalized and issued the updated FOIA regulation to improve the management of the Department's FOIA program. The regulation was published in the Federal Register on November 22, 2016, and became effective on December 22, 2016.¹ The regulation is the result of continuous collaboration and unity of effort across the Department. The DHS Privacy Office is currently drafting a management directive which directs components to comply with FOIA law and DHS policy.

The DHS Privacy Office concurs with the recommendation when warranted, to raise issues of non-compliance, to higher levels, including to the Secretary's office. The DHS Privacy Office addresses issues with the component FOIA Officers and leadership as they arise and will continue to do so and elevate as necessary.

The DHS Privacy Office concurs with the recommendation to issue additional recommendations or corrective actions as necessary to bring components into compliance with the law and DHS policy. The DHS Privacy Office addresses issues with the component FOIA Officers and leadership as they arise and will continue to do so and will issue additional recommendations as necessary to ensure compliance with the law. The DHS Privacy Office believes the recent issuance of the regulation will have a positive impact to ensure components are in compliance with the law.

The DHS Privacy Office requests that the above recommendations be considered resolved and closed.

¹ The regulation is available at <https://www.gpo.gov/fdsys/pkg/FR-2016-11-22/pdf/2016-28095.pdf>.