



CISA
CYBER+INFRASTRUCTURE

May 2, 2022

SENT VIA EMAIL TO: info@aflegal.org

Reed Rubinstein
611 Pennsylvania Ave SE #231
Washington, DC 20003

RE: CISA Case Number 2022-NPFO-00105

Dear Mr. Rubinstein:

This acknowledges receipt of your April 4, 2022, Freedom of Information Act (FOIA) request to U.S. Department of Homeland Security (DHS), Cybersecurity & Infrastructure Security Agency (CISA), for:

“ A. All records containing the terms “misinformation,” “disinformation,” or “malinformation”. The time frame for this item is January 20, 2021, to the date this request is processed.

B. All records sufficient to identify the person(s) responsible for identifying or designating what is or is not “misinformation”, “disinformation”, or “malinformation.” The time frame for this item is January 20, 2021, to the date this request is processed.

C. All records of Directives, Instructions, policy statements, policies, guidelines, and memoranda that authorize, delegate authority, or otherwise govern CISA’s activities relating to misinformation, disinformation, or malinformation.

D. All records of Directives, Instructions, policy statements, policies, guidelines, and memoranda that authorize, delegate authority, or otherwise govern CISA’s communications and interactions with social media companies.

E. All records of communications, including emails and Microsoft Teams chats, to or from any CISA CFITF employee or contractor, between October 1, 2020 and January 20, 2021, referring to “Hunter”, “laptop”, “Devon”, “Archer”, “Burisma”, “Bohai”, “Rosemont Seneca”, or “Ukraine”.

F. All records of communications, including emails and Microsoft Teams chats, to or from any CISA CFITF employee or contractor, between October 1, 2020 and January 20, 2021, referring to “election fraud”, “voting irregularities”, “alternate electors”, “electoral college”, or “stop the steal”.

G. All records of communications, including emails, to or from any CISA CFITF or MDM

employee or contractor, from October 1, 2020 to the date this request is processed, with any email domain ending in: “@facebook.com”, “@google.com”, “@instagram.com”, “@linkedin.com”, “@meta.com”, “@reddit.com”, “@twitter.com”, “@tiktok.com”, or “@youtube.com”.

H. All records of communications, including emails, to or from any CISA CFITF or MDM employee or contractor, from October 1, 2020 to the date this request is processed, with any email domain ending in: “@factcheck.org”, “@fullfact.org”, or “@snopes.com”.

I. All records of communications, including emails, to or from any CISA CFITF or MDM employee or contractor, from October 1, 2020 to the date this request is processed, with any email domain ending in: “@ap.org”, “@cnn.com”, “@latimes.com”, “@msnbc.com”, “@nypost.com”, “@nytimes.com”, “@reuters.com”, “@usatoday.com”, “@washpost.com”, or “@wsj.com”., and to your request for a waiver of all assessable FOIA fees.”

Your request was received in this office on April 05, 2022.

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, CISA processes FOIA requests according to their order of receipt. Although CISA’s 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, CISA will invoke a 10-day extension for your request, as allowed by 6 C.F.R. Part 5 § 5.5(c). 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.

You have requested a fee waiver. The DHS FOIA Regulations at 6 CFR § 5.11(k) set forth six factors CISA must evaluate to determine 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 requester 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 requester has a commercial interest that would be furthered by the requested disclosure, and (6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, CISA has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various CISA program offices as a result of the searches conducted in response to your FOIA request. CISA will, pursuant to DHS regulations applicable to media requesters, process the first 100 pages. If upon review of these documents, CISA determines that the disclosure of the information contained in those documents does not meet the factors permitting CISA to

waive the fees, then CISA will at that time either deny your request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, CISA will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to media requestors. As a media requester you will be charged 10 cents per page for duplication; the first 100 pages are free. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

We have queried the appropriate program offices within CISA 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.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please contact FOIA office. You may send an e-mail to FOIA@HQ.DHS.GOV, call free 703-235-2211, or you may contact our FOIA Public Liaison in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requestors 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. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Your request has been assigned reference number **2022-NPFO-00105**. Please refer to this identifier in any future correspondence. To check the status of a CISA FOIA request, please visit <https://foiarequest.dhs.gov/app/CheckStatus.aspx>. Please note that to check the status of a request, you must enter the 2022-NPFO-00105 tracking number.

Sincerely,



Jimmy Wolfrey
Senior Director, FOIA Operations and Management
(Acting)