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OFFICE OF INSPECTOR GENERAL
 Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 6, 2017

John Greenewald, Jr.
 [REDACTED]

Subject: OIG Freedom of Information Act Request No. 2017-IGFO-00120
 Final Response

Dear Mr. Greenewald:

This responds to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated July 6, 2017, seeking the final report for DHS/OIG Investigation: I15-FEMA-WFO-14136. DHS-OIG received your request on July 2, 2017.

We reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. Based on that review, this office is providing the following:

 5 page(s) are released in full (RIF);
 17 page(s) are released in part (RIP);
 0 page(s) are withheld in full (WIF).

| Freedom of Information Act, 5 U.S.C. § 552 | | | Privacy Act, 5 U.S.C. § 552a |
|--|---|--|-------------------------------------|
| <input type="checkbox"/> 552(b)(1) | <input type="checkbox"/> 552(b)(5) | <input checked="" type="checkbox"/> 552(b)(7)(C) | <input type="checkbox"/> 552a(j)(2) |
| <input type="checkbox"/> 552(b)(2) | <input checked="" type="checkbox"/> 552(b)(6) | <input type="checkbox"/> 552(b)(7)(D) | <input type="checkbox"/> 552a(k)(2) |
| <input type="checkbox"/> 552(b)(3) | <input type="checkbox"/> 552(b)(7)(A) | <input type="checkbox"/> 552(b)(7)(E) | <input type="checkbox"/> 552a(k)(5) |
| <input type="checkbox"/> 552(b)(4) | <input type="checkbox"/> 552(b)(7)(B) | <input type="checkbox"/> 552(b)(7)(F) | <input type="checkbox"/> Other: |

OIG redacted from the enclosed documents the names and identifying information of third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemption 6 of the FOIA further discussed below.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6)(emphasis added). DHS-OIG is invoking Exemption 6 to protect the names of third parties and any information that could reasonably be expected to identify such individuals.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS-OIG is invoking Exemption 7(C) to protect the identities of third parties, and any information contained in these investigative records that could reasonably be expected to identify those individuals.

Appeal

You have the right to appeal this response. Your appeal must be in writing and received within 90 days after the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit
DHS-OIG Office of Counsel
Stop 0305
245 Murray Lane, SW
Washington, DC 20528-0305

Both the envelope and letter of appeal must be clearly marked “Freedom of Information Act/Privacy Act Appeal.” Your appeal letter must also clearly identify the DHS-OIG’s response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.8.

Assistance and Dispute Resolution Services

Should you need assistance with your request, you may contact DHS-OIG’s FOIA Public Liaison. You may also seek dispute resolution services from our FOIA Public Liaison. You may contact DHS-OIG’s FOIA Public Liaison in any of the following ways:



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

FOIA Public Liaison
DHS-OIG Counsel
STOP 0305
245 Murray Lane, SW
Washington, DC 20528-0305
Phone: 202-254-4001
Fax: 202-254-4398
E-mail: foia.oig@oig.dhs.gov

Additionally, the 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve 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. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

If you have any questions about this response, please contact us at 202-254-4001.

Sincerely,

Glenn Lewis
Glenn Lewis
FOIA/PA Disclosure Specialist

Enclosures: Twenty -two pages of responsive records.

Requester's Name: John Greenewald, Jr.
FOIA/PA NO.: 2017-IGFO-00120

22

PAGES OF DOCUMENTS

5 PAGES are released in full (RIF);
17 PAGES are released in part (RIP);
 PAGES are withheld in full (WIF);

EXEMPTIONS CITED

(b)(6), (b)(7)(C)




OFFICE OF INSPECTOR GENERAL

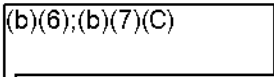

Department of Homeland Security

www.oig.dhs.gov

September 12, 2016

MEMORANDUM FOR: John Rooney
Director
Fraud and Internal Investigations Division
Office of the Chief Security Officer
Federal Emergency Management Agency

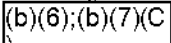

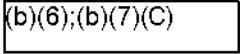
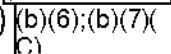
FROM: Mark Tasky 
Special Agent in Charge
Washington Field Office

SUBJECT: 

Disclosure Unit
Federal Emergency Management Agency
Washington, DC

CASE NUMBER: I15-FEMA-WFO-14136

Attached is our Report of Investigation (ROI) on the above subject.

The ROI is furnished for whatever action you consider appropriate and no reply is necessary. However, should you take any action in response to our ROI, please inform this office so that we may update our records. Please destroy the ROI upon disposition of this matter.

Should you or a member of your staff have any questions regarding the ROI, please call me at (703)  or my ,  at (703) .

Attachment

**DEPARTMENT OF HOMELAND SECURITY
OFFICE OF INSPECTOR GENERAL**

REPORT OF INVESTIGATION

I15-FEMA-WFO-14136



IMPORTANT NOTICE

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OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

REPORT OF INVESTIGATION

| | | | |
|------------------------------|--|--|------------------|
| Case Number: | I15-FEMA-WFO-14136 | | |
| Case Title: | (b)(6);(b)(7)(C) | | (b)(6);(b)(7)(C) |
| | (b)(6);(b)(7)(C) | | |
| | Disclosure Unit Federal Emergency Management Agency Washington, DC | | |
| Report Status: | Final | | |
| Alleged Violation(s): | 5 U.S. Code § 552a(i)(1) - Disclosure of Individually Identifiable Information | | |

SYNOPSIS

The Department of Homeland Security, Office of Inspector General, initiated this investigation on a complaint received from (b)(6);(b)(7)(C), who alleged he was sent the Personally Identifiable Information (PII) for dozens of Federal Emergency Management (FEMA) Agency employees and applicants by the FEMA Freedom of Information Act (FOIA) Office pursuant to a FOIA request he filed.

During the investigation, it was determined that (b)(6);(b)(7)(C) (b)(6);(b)(7)(C), Disclosure Unit, FEMA, Washington, DC, sent (b)(6);(b)(7)(C) two emails on October 2, 2014 containing un-redacted PII within attachments. When interviewed, (b)(6);(b)(7)(C) took responsibility for the improper release of PII, and said it was unintentional.

This case was presented for prosecution to the United States Attorney's Office, District of Columbia, and was declined due to lack of intent.

| | | | |
|--------------------------------|-----------------------------|-------------------------|----------|
| Reporting Agent | | Distribution: | |
| Name: (b)(6);(b)(7)(C) | Signature: (b)(6);(b)(7)(C) | Washington Field Office | Original |
| Title: Special Agent | Date: September 1, 2016 | Headquarters | cc |
| Approving Official | | Component(s) | 1 cc |
| Name: Mark Tasky | Signature: | Other | cc |
| Title: Special Agent in Charge | Date: September 2, 2016 | | |

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INV FORM-88

REPORT OF INVESTIGATION

DETAILS

On July 27, 2015, the U.S Department of Homeland Security (DHS), Office of Inspector General (OIG) received a complaint from (b)(6);(b)(7)(C) former (b)(6);(b)(7)(C) DHS, FEMA, New York, NY, alleging that in October of 2014 he was sent the PII of dozens of FEMA Employees and Applicants by the FEMA FOIA Office, Washington, DC, pursuant to a FOIA request he filed. (Exhibit 1)

Allegation 1: The FEMA FOIA office released the PII of dozens of FEMA employees and applicants to (b)(6);(b)(7)(C)

DHS OIG interviewed (b)(6);(b)(7)(C) who stated that he submitted a FOIA request in regards to two job announcements for which he applied, but was not selected. In October of 2014, (b)(6);(b)(7)(C) received FOIA responses from (b)(6);(b)(7)(C) FEMA, Washington, DC, via email (b)(6);(b)(7)(C) which contained un-redacted PII for multiple people. (Exhibit 2)

A review of documents provided by the FEMA FOIA office revealed that between April 7, 2014 and October 2, 2014, (b)(6);(b)(7)(C) provided (b)(6);(b)(7)(C) with 25 emails containing responses to two FOIA requests: 2014-FEFO-00353 and 2014-FEFO-00521.

Detailed review of the documents revealed that on October 2, 2014, (b)(6);(b)(7)(C) sent (b)(6);(b)(7)(C) two emails which contained un-redacted PII within attachments. The first email, entitled *FEMA-2014-FEFO-00353 and 2014-FEFO-00521 Final Response Part 1 (1-2)*, contained two attachments. One attachment, entitled *Final Response Part1.pdf*, was password protected and contained un-redacted PII, to include social security numbers, dates of birth, home addresses, phone numbers and email addresses for 51 individuals, identified as employees of FEMA and employment applicants to FEMA.

The second email, entitled *FW: FEMA-2014-FEFO-00353 and 2014-FEFO-00521 Final Response Part 2 (2-2)*, contained one attachment entitled *Final Response Part2a.pdf*. The attachment was password protected and contained un-redacted PII for 123 individuals, five of which were individuals also included in *Final Response Part1.pdf*.

A total of 169 individuals' information was released within the two documents. (Exhibit 3)

DHS OIG interviewed (b)(6);(b)(7)(C), who stated that at the time of the release was under a lot of stress and inadvertently sent un-redacted PII to (b)(6);(b)(7)(C). The information was electronically marked for redaction by (b)(6);(b)(7)(C) but the last step of applying the redactions was not taken. (b)(6);(b)(7)(C) said that he was considered the "go-to" person in the FEMA FOIA Office and had promised his boss on October 1, 2014 to get the response to (b)(6);(b)(7)(C) FOIA request out after he got home. In a previous response letter to (b)(6);(b)(7)(C) he had said he would provide the final response on September

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REPORT OF INVESTIGATION

30th or 31st, so (b)(6);(b)(7)(C) said he was already behind the date that he had provided to (b)(6);(b)(7)(C) When he did send the email, he was rushed and made a mistake.

(b)(6);(b)(7)(C) initially learned of the release when he either received a call from one of the FI/MA attorneys or his boss. [Agent Note: (b)(6);(b)(7)(C) could not recall who called him, but remembered that he received a call from someone, and that was the first time he learned he released the PII.] After he found out about the release, (b)(6);(b)(7)(C) said that his office put a policy in place which included team leads reviewing the FOIA release before being sent out, to avoid making similar mistakes in the future. During the interview, (b)(6);(b)(7)(C) took full responsibility for improperly releasing PII and apologized for inadvertently doing so. (Exhibit 4)

On September 1, 2016, DHS OIG presented the facts of this investigation for a prosecutorial decision, which was subsequently declined by (b)(6);(b)(7)(C) Misdemeanor Unit, District of Columbia, citing the fact that the release of PII by (b)(6);(b)(7)(C) was a mistake and unintentional. (Exhibit 5)

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Exhibit 1



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

MEMORANDUM OF ACTIVITY

Type of Activity: Case Initiation

| | |
|--|-------------------------------------|
| Case Number: I15-FEMA-WFO-14136 | Case Title: FEMA FOIA Office |
|--|-------------------------------------|

On July 27, 2015, the U.S Department of Homeland Security (DHS), Office of Inspector General received information from (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) [redacted], DHS, Federal Emergency Management Agency (FEMA), New York, NY that in October of 2014, he was sent the Personal Identifying Information (PII) for of dozens of FEMA Employees and Applicants by the FEMA Freedom of Information Act (FOIA) Office.

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

2015

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Exhibit 2



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Telephone Interview: Interview of (b)(6);(b)(7)(C)

Case Number: I15-FEMA-WFO-14136 Case Title: FEMA FOIA Office

On May 20, 2016, (b)(6);(b)(7)(C) Special Agent, Department of Homeland Security (DHS), Office of Inspector General (OIG), Washington Field Office, telephonically interviewed (b)(6);(b)(7)(C) former (b)(6);(b)(7)(C) DHS, Federal Emergency Management Agency (FEMA), New York, NY, 908 (b)(6);(b)(7)(C). The interview was in regards to (b)(6);(b)(7)(C) complaint alleging he was sent the Personally Identifiable Information (PII) for dozens of FEMA Employees and Applicants by the FEMA Freedom of Information Act (FOIA) Office.

(b)(6);(b)(7)(C) substantially provided the following information:

(b)(6);(b)(7)(C) resigned from FEMA in December of 2014 when he was placed on Administrative Leave after his security clearance was revoked (b)(6);(b)(7)(C). (b)(6);(b)(7)(C) said he had recently been through a (b)(6);(b)(7)(C) and as a result his clearance was taken away.

(b)(6);(b)(7)(C) now works for (b)(6);(b)(7)(C) in New York, NY.

(b)(6);(b)(7)(C) originally requested FOIA documents in regards to two job announcements for which he applied but was not selected. He was specifically looking for the email communication between the deciding officials, but ultimately was not provided the information he requested. The information he did receive was heavily redacted.

(b)(6);(b)(7)(C) filed a lawsuit against FEMA for not providing information related to the FOIA requests (b)(6);(b)(7)(C) had submitted. [Agent Note: (b)(6);(b)(7)(C) has been contacted multiple times via email and telephone, in an attempt to gain clarification regarding the date of his lawsuit. As of July 26, 2016 (b)(6);(b)(7)(C) had not responded.]

In October 2014, (b)(6);(b)(7)(C) received a response regarding his FOIA request from (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) FEMA, Washington, DC, via email (b)(6);(b)(7)(C) which contained un-redacted PII for multiple people, one of which was a co-worker of his, (b)(6);(b)(7)(C) FEMA, New York, NY. (b)(6);(b)(7)(C) went into (b)(6);(b)(7)(C) office and told him that the FOIA request (b)(6);(b)(7)(C) had received contained an un-redacted copy of (b)(6);(b)(7)(C) DD Form 214, Certificate of Release or Discharge from Active Duty. (b)(6);(b)(7)(C) said (b)(6);(b)(7)(C) was furious because of the sensitive nature of the document, and later called the FEMA FOIA office to discuss the release.

(b)(6);(b)(7)(C)

Reviewing Official Name, Title, Signature, and Date:

Mark Tash
Special Agent in Charge

July 25, 2016

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MEMORANDUM OF ACTIVITY

During the course of the FOIA lawsuit, (b)(6);(b) was told by the judge he must delete the PII information he received, but a copy of what was sent to (b)(6);() must be maintained by FEMA.

(b)(6);() agreed to provide a written sworn statement at a later date. [Agent Note: (b)(6);() has been contacted multiple times via email and telephone, in an attempt to obtain his sworn statement. As of July 26, 2016, (b)(6);() had not responded, and no sworn statement was provided to DHS OIG.]

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Exhibit 3



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Records Review: FEMA FOIA Documents

Case Number: I15-FEMA-WFO-14136

Case Title: FEMA FOIA Office

Between May 18, 2015 and July 20, 2016, (b)(6);(b)(7)(C) Special Agent, Department of Homeland Security, Office of Inspector General, Washington Field Office, reviewed Freedom of Information Act (FOIA) responses sent to (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) DHS, Federal Emergency Management Agency (FEMA), New York, NY. The documents were requested in relation to an investigation into the possible release of Personally Identifiable Information (PII) by the FEMA FOIA office.

A review of the documents revealed that between April 7, 2014 and October 2, 2014, (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) Disclosure Unit, FEMA, Washington, DC, (b)(6);(b)(7)(C) provided (b)(6);(b)(7)(C) with responses to two FOIA requests, 2014-FEFO-00353 and 2014-FEFO-00521 via email. A total of 25 emails showing correspondence between (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) were provided and reviewed.

Relevant information is listed below:

Two emails sent to (b)(6);(b)(7)(C) on October 2, 2014 contained unredacted information within the attachments.

On October 2, 2014, (b)(6);(b)(7)(C) sent (b)(6);(b)(7)(C) an email entitled *FEMA-2014-FEFO-00353 and 2014-FEFO-00521 Final Response Part 1 (1-2)* containing two attachments. One attachment, entitled *Final Response Part1.pdf* was password protected and contained unredacted PII and Sensitive PII, to include social security numbers, dates of birth, home addresses, phone numbers and email addresses for 51 individuals.

On October 2, 2014, (b)(6);(b)(7)(C) sent (b)(6);(b)(7)(C) an email entitled *FW: FEMA-2014-FEFO-00353 and 2014-FEFO-00521 Final Response Part 2 (2-2)* containing one attachment entitled *Final Response Part2a.pdf*. The attachment was password protected and contained unredacted PII and Sensitive PI for 123 individuals, five of which were individuals also included in *Final Response Part1.pdf*.

A total of 169 individuals' information was released within the two documents.

| | | | |
|--|------------------|------------------|----------------------------|
| Name, Title, Sign (b)(6);(b)(7)(C) Special Agent | (b)(6);(b)(7)(C) | (b)(6);(b)(7)(C) | Date: September 1, 2016 |
|--|------------------|------------------|----------------------------|

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Exhibit 4



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Contact: Interview of (b)(6);(b)(7)(C)

Case Number: I15-FEMA-WFO-14136 | **Case Title:** FEMA FOIA Office

On August 31, 2016, (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) Special Agents, the Department of Homeland Security (DHS), Office of Inspector General, Washington Field Office (WFO), interviewed (b)(6);(b)(7)(C) Disclosure Unit, Federal Emergency Management Agency (FEMA), Washington, DC at WFO. The interview was in regards to a complaint filed by (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) DHS, FEMA, New York, NY, alleging that he was sent Personally Identifiable Information (PII) for dozens of FEMA Employees and Applicants by the FEMA Freedom of Information Act (FOIA) Office.

(b)(6);(b)(7)(C) was issued an INV Form 27, Advice of Rights, Garrity. (b)(6);(b)(7)(C) read and acknowledged his understanding before signing the document. (b)(6);(b)(7)(C) provided substantially the following information:

(b)(6);(b)(7)(C) works as a (b)(6);(b)(7)(C) for FEMA and is responsible for processing FOIA requests. As a FOIA request processor, he is responsible for redacting the information before it is sent out to the requestor.

At the time (b)(6);(b)(7)(C) was assigned the FOIA requests from (b)(6);(b)(7)(C), it was the end of the fiscal year, and the office was very short staffed; down to only two people. There was a big push to process as many FOIA requests as possible by the end of the fiscal year. (b)(6);(b)(7)(C) explained that he was under a lot of stress, and inadvertently sent un-redacted information to (b)(6);(b)(7)(C). The information was marked for redaction, but the last step of applying the redactions was not taken. (b)(6);(b)(7)(C) said that he was the go-to person, and he had promised to get the response out. He was rushed and made a mistake.

(b)(6);(b)(7)(C) learned of the release of PII when he received a call from either one of the FEMA attorneys or his boss. [Agent's Note: (b)(6);(b)(7)(C) could not recall who contacted him, but he remembered that the call was the first time he was advised that he had released PII to (b)(6);(b)(7)(C). After (b)(6);(b)(7)(C) found out about the release, he said that his office put a policy in place wherein team leads review information before it is sent out, in an effort to avoid making the same mistake.

(b)(6);(b)(7)(C) took full responsibility for the mistake, and apologized.

| | | | |
|------------------------|------------------|------------------|-------------------|
| Name, Title, Signature | (b)(6);(b)(7)(C) | (b)(6);(b)(7)(C) | Date: |
| Special Agent | August 31, 2016 | | September 1, 2016 |

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OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

8/31/16 10:00 AM

(Date/Time)

(b)(6);(b)(7)(C)

(Location)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(Witness' Printed Name)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

8/31/16 10:00 AM

(Date/Time)

8/31/16 10:00 AM

(Date/Time)

Advice of Rights (Garrity)

INV FORM-27 (06/13)



Homeland
Security

SWORN STATEMENT

Date/Time: 8-31-16 11:00 AM

Location: Rosslyn

County of: Arlington

State of: VA

(b)(6);(b)(7)(C)

I,

hereby make the following sworn statement to

(b)(6);(b)(7)(C)

who has identified himself/herself to me as a Special Agent

with the U.S. Department of Homeland Security, Office of Inspector General. No promises or threats have been made to me.

(b)(6);(b)(7)(C)

SWORN STATEMENT

(b)(6);(b)(7)(C)

[Redacted content]

Initials: (b)(6);(b)(7)(C)

SWORN STATEMENT

STATEMENT OF:

(b)(6);(b)(7)(C)

I have read this statement of 3 pages. It is true, accurate, and complete to the best of my knowledge and belief. I have been given an opportunity to make any corrections, additions, or deletions.

(b)(6);(b)(7)(C)

Subscribed and sworn (or affirmed) to before me this 31 day of August, 2016, at Rosslyn, VA (Month) (Year) (City) (State)

(b)(6);(b)(7)(C)

Special Agent
U.S. Department of Homeland Security
Office of Inspector General
Office of Investigations

(b)(6);(b)(7)(C)

(Signature)

Exhibit 5



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Other: Prosecutorial Declination

Case Number: I15-FEMA-WFO-14136

Case Title: FEMA FOIA Office

On September 1, 2016, (b)(6);(b)(7)(C) Special Agent, Department of Homeland Security, Office of Inspector General (OIG), Washington Field Office, contacted (b)(6);(b)(7)(C) Misdemeanor Unit, United States Attorney's Office for the District of Columbia, to present the investigative findings, to date, regarding allegations that (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) Federal Emergency Management Agency (FEMA), Washington, DC, sent Personally Identifiable Information (PII) for dozens of FEMA employees and applicants to (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) DHS, FEMA, New York, NY. (b)(6);(b)(7)(C) stated that because (b)(6);(b)(7)(C) sent the PII by mistake, and unintentionally, he would not accept the case for prosecution.

Attachment(s):

1. Declination Letter.

| | | | |
|---|------------------|------------------|-------------------|
| Name, Title, Signature (b)(6);(b)(7)(C) Special Agent | (b)(6);(b)(7)(C) | (b)(6);(b)(7)(C) | September 1, 2016 |
|---|------------------|------------------|-------------------|

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OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

(b)(6);(b)(7)(C)

September 2, 2016

United States Attorney
District of Columbia
555 4th Street, NW
Washington, DC 20530

Attention:

(b)(6);(b)(7)(C)

Misdemeanor Unit

Subject:

(b)(6);(b)(7)(C)

Federal Emergency

Management Agency, Washington, DC

Dear

(b)(6);(b)(7)(C)

This letter is to confirm your September 1, 2016 telephone conversation with Special Agent (b)(6);(b)(7)(C) of my staff, wherein you declined criminal prosecution of (b)(6);(b)(7)(C) Federal Emergency Management Agency (FEMA). This office presented the matter to your office for determination of possible violations of United States law by the captioned subject.

On October 2, 2014, (b)(6);(b)(7)(C) sent two password protected email attachments that contained un-redacted Personally Identifiable Information (PII) and Sensitive PII, to include social security numbers, dates of birth, home addresses, telephone numbers and email addresses for a total of 169 individuals. When interviewed, (b)(6);(b)(7)(C) stated that he marked the information for redaction, but failed to apply the redactions to the document and the un-redacted information was sent out in error. (b)(6);(b)(7)(C) accepted full responsibility and apologized for the error.

The violation considered was 5 USC §552(a), Records maintained on individuals. You declined prosecution in this matter because (b)(6);(b)(7)(C) sent the information by mistake, and thus the case would not rise to the level of prosecution.

If you have any questions concerning this letter, please contact me at 703 (b)(6);(b)(7)(C) or Special Agent (b)(6);(b)(7)(C) at 703 (b)(6);(b)(7)(C)

Sincerely,

Mark Tasky
Special Agent in Charge
Washington Field Office