



Homeland Security

September 30, 2015

SENT VIA EMAIL TO: jruch@peer.org

Jeff Ruch
Executive Director
2000 P St., #240
Washington, DC, DC 20036

Re: **2015-HQFO-00347**

Dear Mr. Ruch:

This is the final response to your Freedom of Information Act (FOIA) request to the Office of Inspector General (OIG), dated June 10, 2014, and seeking copies of documents related to the National Defense Authorization Act of 2013 (codified at 41 U.S.C. §4712), which provides whistleblower protection to employees of contractors working for federal government agencies. Specifically, you seek the following records:

1. All documents outlining, describing, and/or explaining the measures taken by the head of the DHS to ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.
2. All documents indicating the number and the nature of orders denying or granting relief by the head of the DHS in response to federal contractor employee complaints of discrimination as a reprisal for disclosing waste, fraud, or abuse on a federal contract or grant. (Date Range for Record Search: From 01/01/2013 to 04/16/2015).

While processing your request, the OIG located records that fall under the purview of the Department of Homeland Security (DHS). Accordingly, your request and five pages of responsive records were referred to this office for processing and direct response to you. This office received your request on April 3, 2015.

I have determined that all five pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(5), (b)(6) FOIA Exemptions 5 and 6.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that the responsive documents qualify for protection under the deliberative process privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within

the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

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), Mailstop 0655, 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.

Provisions of FOIA allow DHS to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 CFR § 5.11(d)(4).

If you need to contact our office again about this matter, please refer to **2015-HQFO-00347**. This office can be reached at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in black ink, appearing to read "Ayanna Carr".

Ayanna Carr
FOIA Program Specialist