



U.S. Department of Justice
Drug Enforcement Administration
FOI/Records Management Section
8701 Morrissette Drive
Springfield, Virginia 22152

JAN 26 2015

Case Number: 14-00329-F

Subject: ANY AND ALL REPORTS, COMMUNICATIONS AND DOCUMENTS ON THE ROLE U.S. DEA AGENTS HAD IN THE LOCALIZATION AND CAPTURE OF MEXICAN DRUG LORD JOAQUIN "EL CHAPO" GUZMAN IN FEBRUARY, 2014

John Dyer
MuckRock News
P. O. Box 55819
Boston, Massachusetts 02205-5819

Dear Mr. Dyer:

This letter responds to your Freedom of Information/Privacy Act (FOI/PA) request dated March 7, 2014, addressed to the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), seeking access to information regarding the above subject.

On March 27, 2014, the Fee Waiver Committee met to review your request to determine if a waiver of fees is warranted pursuant to 28 C.F.R. §16.11. The following factors are balanced to determine whether a fee waiver is warranted for your request. Depending on the amount of research involved, a substantial amount of public money could be expended on searching for information you have requested. Department of Justice (DOJ) policy (28 C.F.R. §16.11(k)) requires that we apply six factors to determine whether or not to grant a fee waiver. The following factors have been applied:

A. Disclosure of the requested information "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government."

Factor (1) The subject of the requested records concerns "the operations or activities of the government."

Factor (2) The disclosure of the documents is "likely to contribute" to an understanding of government operations or activities.

Factor (3) The disclosure of the requested information will contribute to "public understanding".

Factor (4) The disclosure of the documents is likely to contribute "significantly" to public understanding of government operations or activities.

B. Disclosure of the information “is not primarily in the commercial interest of the requester.”

Factor (5) The requester has a commercial interest that would be furthered by the requested disclosure.

Factor (6) The magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is “primarily in the commercial interest of the requester.”

Based on Factors (1), (2), and (3), we have determined that it is likely that disclosure of the requested records would increase the public’s understanding of government operations or activities. Based on Factor (4), we have determined that it is unlikely that disclosure of the requested records would significantly increase the public’s understanding of government operations or activities. Regarding Factors (5) and (6), there is no indication that you are a commercial requester. Consequently, your request for a waiver of fees is denied. Thus, for purposes of assessing fees, your request has been categorized as an “all others” request in which you will be afforded two (2) hours of search and 100 pages of duplication at no charge.

After review, our office consulted with the DEA Office of Congressional and Public Affairs (CP), the Office of Intelligence (NC) and the Office of Operations Division (OC), to determine if DEA maintained the records you are seeking. Further, SARF conducted a preliminary query for responsive records pertaining to Mr. Joaquin “EL Chapo” Guzman. To search for responsive records, we queried the DEA Investigative Reporting, and Filing System (IRFS). IRFS is the system of records that contains all administrative, general and investigative files compiled by DEA for law enforcement purposes. DEA retrieves investigative information about an individual, an operation or company from the IRFS using the DEA Narcotics and Dangerous Drug Information System (NADDIS). Individuals are indexed, identified, and retrieved through NADDIS using their name, Social Security Number, and/or date of birth. As a result of our query, we identified 13,051 investigative case files that we believe are responsive to the subject of your request.

Under the FOIA, requesters without a history of payment are required to pay advanced fees. As an “all other” requester, you are required to pay search and reproduction fees. The fee for search is at the rate of \$28.00 per hour and reproduction is at 10 cents per page. A search of IRFS based upon your request is estimated to be \$1,461,712.00.

Unfortunately, until a search is conducted and the responsive material is identified, the actual fee cannot be computed. At the conclusion of the process of identifying the responsive material, and duplicating the releasable materials you will be responsible to pay any additional costs before documents are released. Any unexpended portion of a payment made will be refunded. If, at the end of the process you fail to remit the balance due, DEA will not take any action on any other pending or new request you submit or have submitted. Also, you will be charged interest on any unpaid balance starting on the 31st day following your receipt of the notice of the actual fee and interest will accrue until payment is received by DEA. See 31 U.S.C. § 3717.

As provided by Federal Regulation, this letter also affords you the opportunity to reformulate your request in such a manner as to reduce the search and reproduction fees. This could be accomplished by narrowing the scope of your request, specifying a particular office or offices you desire to be searched, and/or, a lesser time frame. Please forward your response to the following address:

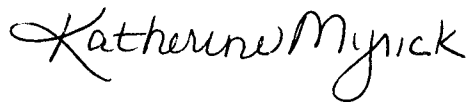
DEA HEADQUARTERS
ATTN: FOI/PRIVACY ACT UNIT (SARF)
8701 MORRISSETTE DRIVE
SPRINGFIELD, VIRGINIA 22152DEA

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within sixty (60) days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any questions regarding this letter, you may contact Government Information Specialist (GIS) S. Miller on (202) 307-7629.

Sincerely,



Katherine L. Myrick, Chief
Freedom of Information/Privacy Act Unit
FOI/Records Management Section