

# **Exhibit G**

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

DIS-3-RR:RDL:FAPL  
CBP-AP-2017-067239 GA

July 13, 2017

Nathan Wessler  
American Civil Liberties Union  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004

RE: Freedom of Information Act Appeal; CBP-2017-058684

Dear Mr. Wessler:

This letter is in response to your electronic submission of June 22, 2017 that appeals the response of the U.S. Customs and Border Protection ("CBP") FOIA Division to the Freedom of Information Act ("FOIA") request made by you on behalf of the American Civil Liberties Union ("ACLU").

#### Your FOIA Request

In your request you asked for CBP records pertaining to the use of cell site simulators by CBP.

In its response of May 24, 2017 to your FOIA request, the CBP FOIA Division stated:

We conducted a comprehensive search of files within the CBP databases for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records, based upon the information you provided in your request.

#### Your FOIA Appeal

In your recent submission you appeal the response of the CBP FOIA Division.

Pursuant to your appeal, this office has conducted a *de novo* thorough search of CBP offices based upon the information provided. We contacted the Office of Border Patrol, Office of Air and Marine, and the Office of Intelligence and were advised that there were no records which are responsive to your request.

The decision of the CBP FOIA Division is affirmed.

The FOIA (5 U.S.C. § 552(a) (4)(B)) provides you with the opportunity to seek judicial review of this administrative appeal. You may institute judicial review in the U.S. District Court in the district in which you reside, have a principal place of business, where the agency records are located, or in the U.S. District Court for the District of Columbia.

Alternatively, the Office of Government Information Services (“OGIS”) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using the OGIS does not affect your right to pursue 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. If you wish to contact the OGIS, you may do so in the following ways: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; by email - [ogis@nara.gov](mailto:ogis@nara.gov); by telephone – 202-741-5770; or by facsimile – (202)741-5769.

Sincerely,

*Shari Suzuki*

Shari Suzuki, Chief  
FOIA Appeals, Policy, and Litigation Branch  
Regulations & Rulings  
Office of Trade