



FEMA

December 21, 2018

SENT VIA E-MAIL TO: sean@donelan.com

Sean Donelan
1028 S. Walter Reed Drive
Arlington, VA 22204

Re: FEMA 2018-FEFO-00376 Final Response

Dear Mr. Donelan:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), dated January 12, 2018 and received in this office on January 16, 2018. You sought electronic records of the messages transmitted to the public through the FEMA Integrated Public Alert & Warning System operated by Integrated Public Alert and Warning System (IPAWS) Program Management Office (PMO). Specifically, you requested a copy of the following delivered in electronic format:

1. The Common Alerting Protocol (CAP) messages transmitted from January 1, 2017 through December 31, 2017 to the public via IPAWS-OPEN alert dissemination channels, including the Emergency Alert System, Wireless Emergency Alert system, NOAA Weather and HazCollect systems, Internet alerting system, and/or other public warning systems. You did not request private COG-to-COG messages handled by IPAWS-OPEN; and
2. The 2017 Key Performance Indicators, performance reports, and outage reports for IPAWS operations.

A search of FEMA's National Continuity Programs for documents responsive to your request produced a total of three (3) pages and 55 excel spreadsheets. Of those records, I have determined the 55 excel spreadsheets are releasable in their entirety, two (2) pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552(b)(7)(E), and a portion of the remaining one (1) page, consisting of the Performance Outage reports, is partially releasable pursuant to Title 5 U.S.C. § 552(b)(7)(E), FOIA Exemption 7(E).

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement

investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. We determined that disclosure of certain portions of the documents could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

In response to item two (2) of your request, the Key Performance Parameter: 00.9% and the System availability for CY 2017: 99.84%. In this instance, FEMA is withholding a portion of the Performance Outage reports in an effort to avoid exposing our operational methods or security vulnerabilities, which would result in putting the application in serious risk. Per DHS 4300, Sec. 4.9 Department Information Security Operations: "Incidents can be accidental or malicious, and they can be caused by outside intruders or internal personnel, causing significant disruption of mission critical business processes and computer-supported operations; these incidents can severely disrupt computer-supported operations, compromise the confidentiality of sensitive information; and diminish the integrity of critical data."

You have the right to appeal if you disagree with FEMA's response. The procedure for administrative appeals is outlined in the DHS regulations at 6 C.F.R. § 5.8. In the event you wish to submit an appeal, we encourage you to both state the reason(s) you believe FEMA's initial determination on your FOIA request was erroneous in your correspondence, and include a copy of this letter with your appeal. Should you wish to do so, you must send your appeal within 90 days from the date of this letter to fema-foia@fema.dhs.gov, or alternatively, via mail at the following address:

FEMA
Office of the Chief Administrative Officer
Information Management Division (FOIA Appeals)
500 C Street, SW, Seventh Floor, Mail Stop 3172
Washington, D.C. 20472-3172

As part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. 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/Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact us and refer to FOIA case number **FEMA 2018-FEFO-00376**. You may send an e-mail to fema-foia@fema.dhs.gov, call (202) 646-3323, or you may contact our FOIA Public Liaison in the same manner.

Sincerely,

Pearlene Robinson
FOIA Team Lead
Disclosure Branch
Information Management Division
Mission Support

Enclosure(s): Response Documents 3 pages, (55 Excel Spreadsheets)