



March 5, 2021

Sent Via FOIAOnline:

**U.S. Customs and Border Protection  
Freedom of Information Act Office**

**Re: Freedom of Information Act Request Regarding U.S. Customs and Border Protection Data Dictionary**

Dear FOIA Officer:

The American Immigration Council (“Council”) submits the following Freedom of Information Act (FOIA) request regarding Customs and Border Protection (CBP) databases. In accordance with 5 U.S.C. § 552(a)(6)(A)(i), we expect a response to this request within 20 working days, unless otherwise permitted by statute. We also request a fee waiver in connection with this request pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 5 U.S.C. § 552(a)(4)(A)(ii)(II).

**I. REQUEST FOR INFORMATION**

The Council seeks the following records from CBP:

1. The most recent version of the CBP Corporate Data Dictionary<sup>1</sup>, including the terms, acronyms, definitions, and class words that are considered the 'standards' used for naming conventions within CBP Data Models.
2. A current list of all CBP databases for which the CBP Corporate Data Dictionary applies. If no such list exists, records containing information about the CBP databases for which the CBP Corporate Data Dictionary applies.

**II. REQUEST FOR FEE WAIVER**

The Council asks that the agency waive all fees associated with this FOIA request. Such a waiver is warranted because disclosure of the information is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

As outlined below, the Council is a non-profit organization without a commercial interest in the release of this information. The Council has the demonstrated ability to synthesize the information received via this FOIA request for release to and access by the public without charge.

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<sup>1</sup> See Data.Gov, *U.S. Customs and Border Protection Data Catalog*, updated Nov. 10, 2020 (containing the “Terms, Acronyms, Definitions, and Class words that are considered the 'standards' used for naming conventions within CBP Data Models”), <https://catalog.data.gov/hu/dataset/cbp-corporate-data-dictionary-cdd>.

*A. Disclosure of the Information Is in the Public Interest*

This FOIA request seeks information that will contribute significantly to public understanding of government operations and activities regarding CBP's databases and information systems. The public currently faces significant obstacles in accessing immigration data and records. CBP's record-keeping methods are not well known and contribute to ineffective and repetitive information requests.

Disclosure of the requested information will advance the general public's understanding of the data and records the agency maintains and how to access them, resulting in a greater public awareness and understanding of the operations of our nation's immigration agencies.

The Council is a non-profit organization established to increase public understanding of immigration law and policy, advocate for the fair and just administration of our immigration laws, protect the legal rights of noncitizens and citizens, and educate the public about the enduring contributions of immigrants. The Council is a leading resource for analyzing and disseminating information about government practices to ensure accountability. The Council regularly provides information to the public based on its FOIA requests.<sup>2</sup>

In conjunction with the Council's mission, the information requested from this FOIA will be readily available on the Council's website and will be shared with all interested members of the public. The Council will also post analysis of the information obtained through this FOIA request in a way that is easily accessible to the public. In calendar year 2020, the Council's website received more than 2.4 million pageviews from more than 1.4 million visitors. The Council also has regular contact with national print and news media and plans to share information gleaned from FOIA disclosures with interested media.

*B. Disclosure of the Information Is Not Primarily in the Commercial Interest of the Requester*

The Council is a not-for-profit organization and has no commercial interest in the present request. We seek the requested information for the purpose of disseminating it to members of the public and not for the purpose of commercial gain. Like all other reports and information available on the Council's website, information received in response to this FOIA request will be available to immigration attorneys, noncitizens, policymakers, and other interested members of the public free of charge.

Given that FOIA's fee-waiver requirements are to "be liberally construed in favor of waivers for noncommercial requesters," a waiver of all fees is justified and warranted in this case. See *Judicial Watch*, 326 F.3d at 1312 (citation omitted).

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<sup>2</sup> See, e.g., Guillermo Cantor and Walter Ewing, American Immigration Council, *Still No Action Taken: Complaints Against Border Patrol Agents Continue to Go Unanswered* (Aug. 2017), [http://bit.ly/Council\\_StillNoActionTaken](http://bit.ly/Council_StillNoActionTaken) (examining records of alleged misconduct by Border Patrol employees); Guillermo Cantor, Emily Ryo, and Reed Humphrey, *Changing Patterns of Interior Immigration Enforcement in the United States* (June 2019), <https://www.americanimmigrationcouncil.org/research/interior-immigration-enforcement-united-states-2016-2018>.

### III. EXEMPTIONS

Please note that Requesters do not seek the names of individuals or other personally identifiable information. CBP should provide unique identifiers for individuals as available or otherwise; Requesters understand that the agency will redact any personally identifiable information.

If CBP withholds records based on its assessment that statutory exemptions apply to any of the records requested, please describe in detail the nature of the records withheld and the specific exemption or privilege upon which the record is withheld. If any portion(s) of the requested records are determined to be exempt, please provide the non-exempt portions. 5 U.S.C. §552(a)(8)(A)(ii)(II).

### IV. FORMAT OF PRODUCTION

Electronic versions in the native format of the requested documents are preferred. For documents which are not available in this format, please provide records electronically in a text-searchable, static-image format (PDF). Please also provide any data in a workable format, such as Microsoft Excel. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request.

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Thank you in advance for your attention to this request. If you have any questions regarding this request, please feel free to email or call Eshani Pandya at the contact information under the first signature block below.

Sincerely,

/s/ Eshani Pandya

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