

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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KATE DOYLE, et al,

Plaintiffs,

No. 17 Civ. 2542 (KPF)

v.

U.S. DEPARTMENT OF HOMELAND SECURITY,  
EXECUTIVE OFFICE OF THE PRESIDENT,

Defendants.

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SECOND DECLARATION OF KIM E. CAMPBELL,  
SPECIAL AGENT IN CHARGE, LIAISON DIVISION, AND  
FREEDOM OF INFORMATION AND PRIVACY ACTS OFFICER,  
UNITED STATES SECRET SERVICE

I, Kim E. Campbell, make the following declaration in lieu of affidavit pursuant to 28 U.S.C. § 1746:

1. I am the Special Agent in Charge of the Liaison Division, Office of Government and Public Affairs, and the Freedom of Information and Privacy Acts (FOI/PA) Officer for the United States Secret Service (“Secret Service”), Department of Homeland Security (“DHS”). In this position, I oversee the Freedom of Information and Privacy Acts Office. I have been assigned as the Secret Service FOI/PA Officer since July 2014 and have been employed with the Secret Service since July 1990, and as a Special Agent (GS-1811) since April 1992.
2. DHS regulations, Title 6, Code of Federal Regulations, Section 5.4, and Appendix A, II(I)(3), 68 FR 4056, 4058, and 4069, vest authority in the Secret Service FOI/PA officer

to make determinations as to whether to grant requests for access to Secret Service records made under the Freedom of Information Act (“FOIA”), Title 5 of the United States Code, Section 552(b).

3. This declaration is submitted to describe the Secret Service’s search for and processing of records potentially responsive to Plaintiffs’ March 10, 2017 FOIA request seeking (1) Worker and Visitor Entry System (WAVES) and Access Control Records (ACR) records and (2) records of “presidential visitors” at Trump Tower, in New York City, and Mar-a-Lago, in West Palm Beach, and specifically certain fields of data within such records, for the period January 20 through March 8, 2017. This declaration is based upon my personal knowledge, upon review of the documents described in paragraph 28 below, upon information contained in the Secret Service’s files, and upon information acquired by me during the performance of my official duties from other Secret Service employees who were involved in the search for and processing of records potentially responsive to Plaintiffs’ FOIA request.

Plaintiffs’ Requests and the Initial Processing of those Requests

4. I am aware that Plaintiffs allege in the above-captioned lawsuit that on January 23, 2017, Plaintiff Kate Doyle sent a FOIA request to the Secret Service requesting WAVES and ACR records for January 20, January 21, and January 22, 2017. My office does not have a record of receiving this request in the ordinary course of business. I understand, however, that after filing this lawsuit, Plaintiffs provided a document purporting to indicate that a fax was sent to the Secret Service FOIA/PA Communications Center on January 23, 2017.

5. I am also aware that Plaintiffs allege that on February 24, 2017, Plaintiff Doyle sent an administrative appeal to DHS based on the Secret Service's failure to respond to her January 23, 2017 request. The Secret Service has no record of receiving or being notified of this appeal in the ordinary course of business. I understand, however, that after filing this lawsuit, Plaintiffs provided a document purporting to indicate that a fax was sent to the DHS Office of General Counsel on February 24, 2017.
6. The Secret Service did receive a March 10, 2017 request from Plaintiffs seeking (1) WAVES and ACR records from January 20, 2017 until March 8, 2017 (assigned as Request Number 20171321); (2) records of Presidential visitors at Mar-a-Lago from January 20, 2017 to March 8, 2017 (assigned as Request Number 20171322); and (3) records of Presidential visitors at Trump Tower from January 20, 2017 to March 8, 2017 (assigned as Request Number 20171323). Plaintiffs' request stated that "this request [the three requests set out above] specifically seeks the same 28 fields of data that previously were posted on the White House Visitor Records Request website." My office acknowledged receipt of the March 10, 2017 request on April 11, 2017. Attached to this declaration as Exhibit A is a copy of the March 10, 2017 request and my office's April 11, 2017 letter.
7. With respect to the requests of January 23, 2017 and March 10, 2017 seeking WAVES and ACR records, these records are not Secret Service records, but rather are Presidential Records pursuant to the Presidential Records Act (PRA), 44 U.S.C. § 2201 et seq. Therefore, my office did not seek to search for, locate, or process these records.
8. With respect to the request for records of Presidential visitors at Trump Tower, the Secret Service was aware that President Trump had not traveled to Trump Tower during the

- requested time period. Therefore, after confirming this information, the Secret Service did not seek to search for the material requested by Plaintiffs.
9. With respect to the request for records of Presidential visitors at Mar-a-Lago, at the time of Plaintiffs' request, the Secret Service's protective efforts at the Mar-a-Lago location and the particular protective situation at that location were newly developed. While it could easily be confirmed that the Secret Service does not utilize WAVES or ACR records at Mar-a-Lago, it was unclear what, if any, record systems or record groupings might exist in regard to who visited the President at Mar-a-Lago, or where such record systems or record groupings might be located.
  10. In order to clarify this issue, it was determined that a broad set of searches would be conducted to determine what, if any, record systems or record groupings existed that might contain information potentially responsive to Plaintiffs' request, in particular the request for the 28 fields of data found in the previously posted WAVES records.
  11. This search is described below. It is noted, however, that the below search confirmed that there is no system for keeping track of visitors to Mar-a-Lago, as there is at the White House Complex. Specifically, there is no Secret Service system that controls access to Mar-a-Lago, nor is there any grouping, listing, or set of records that would reflect Presidential visitors to Mar-a-Lago. This result is consistent with the fact that the Secret Service is not charged with the protection of Mar-a-Lago as it is with the White House Complex pursuant to title 18 of the United States Code, section 3056A(a).
  12. Additionally, as for Plaintiffs' specific request for Mar-a-Lago "Presidential visitor" records containing "the same 28 fields of data that previously were posted on the White House Visitor Records Request web site," the below search confirmed that the Secret

Service does not maintain, nor does it have access to, any data system, grouping of records, listing, or document(s) that contains those 28 fields or any limited subset of those fields.

13. As the Secret Service's search revealed that the Secret Service neither maintained, nor had access to, any Mar-a-Lago visitor record(s) or listing or database containing the same 28 fields specifically sought by Plaintiffs' request or any subset of those fields, the Secret Service maintains no record and has no access to any record directly responsive to Plaintiffs' request for records of presidential visitors at Mar-a-Lago.
14. Even after the broad search that the Secret Service conducted in regard to Plaintiffs' request for records of Presidential visitors at Mar-a-Lago, and even setting aside Plaintiffs' specific request for the "28 fields" of previously posted data, the Secret Service's search identified only one record subject to the Federal Records Act (FRA) and the FOIA that is arguably responsive to Plaintiffs' request and not duplicative of information previously made public by the White House. That record is a two page e-mail from the Department of State that was ultimately forwarded to the Secret Service. That record was released to Plaintiffs with redactions as described below.
15. In order to more fully explain the Secret Service's search efforts and the few scattered and repetitive pieces of Mar-a-Lago Presidential visitor information found in paper or electronic documents located through this search, that search and those documents are further described below.

#### The Secret Service's Searches

16. In searching for information indicating whether the Secret Service maintained a system or grouping of information indicating that an individual or individuals had visited or met

with the President at Mar-a-Lago during the time period requested, the following offices were identified as offices that could potentially have access to responsive documents:

the Office of Strategic Intelligence and Information (SII), which oversees the Protective Intelligence Division (PID). This office conducts background checks pursuant to a sensitive security program;

the Office of Investigations (INV), which oversees the Miami Field Office (FO) and the West Palm Beach Resident Office (RO). These offices would most likely have involvement in President Trump's visits to Mar-a-Lago as they are geographically located in proximity to Mar-a-Lago; and

the Office of Protective Operations (OPO), which oversees the Presidential Protective Division (PPD). This is the division with direct operational responsibility for the protection of the President of the United States, including when the President is at Mar-a-Lago.

17. The SII/PID's search for records of background checks for presidential visitors to Mar-a-Lago for the time period January 20 to March 8, 2017 identified no responsive records.
18. The INV/Miami FO and INV/West Palm Beach RO searched for paper and electronic records that reflected that an individual visited with the President at Mar-a-Lago during the time period January 20 to March 8, 2017, and forwarded potentially responsive records for further responsiveness review.
19. The OPO/PPD searched for paper or electronic records that reflected that an individual visited with the President at Mar-a-Lago during the time period January 20 to March 8, 2017, and forwarded potentially responsive records for further responsiveness review.
20. In addition to the Division-specific searches requested and conducted as indicated above, it was also requested that the Office of the Chief Information Officer (CIO) conduct a search of the e-mail accounts of employees of PPD, the Dignitary Protective Division

(DPD),<sup>1</sup> West Palm Beach RO, and Miami FO for the time period January 20 to March 8, 2017 in the Enterprise Vault, or E-Vault. The E-Vault contains e-mails sent, received, or deleted by all Secret Service employees including during the time period at issue in this case. The E-Vault was searched with the following search terms in the body, subject line, or attachment: MAL OR Mar-a-Lago OR Mar a Lago AND at least one of the following terms: guest OR appointment OR visitor OR meet OR meeting OR clear OR cleared OR sweep OR swept OR checkpoint OR check point OR check OR [abbreviation for sensitive security program] OR background. A large volume of e-mails, some with attachments, were located through this search, and forwarded for responsiveness review.

#### Further Responsiveness Review

21. E-mails and their attachments retrieved through the above-described word searches were placed into software that allows for reviewing and tagging, and duplicate e-mails were removed. Duplicates were also removed from the OPO/PPD e-mails that had been located through OPO/PPD's search and forwarded for review, many of which had been also been located through the CIO's word search.
22. The e-mails and attachments and other documents remaining after de-duplication were then reviewed for responsiveness. Over four thousand e-mails and documents were left to review even after de-duplication.
23. In the course of this further review, it was determined that many of the e-mails and attachments were merely copies of media reports concerning Presidential visits to Mar-a-Lago. This material was eliminated from further review as non-responsive, as it was not

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<sup>1</sup> E-mail accounts of DPD employees were searched as it appeared that the Prime Minister of Japan had visited Mar-a-Lago to visit with President Trump during the relevant time period.

considered an Agency record of a Presidential visit, and it was as available to the public as to the Secret Service.

24. In reviewing the remaining records, questions arose as to who should be considered a Presidential visitor to Mar-a-Lago. I was advised, however, that through discussions between Plaintiffs' counsel and the Department of Justice attorneys representing the Secret Service (DOJ), it was agreed that the Secret Service need not produce records regarding Presidential family members, cabinet members, and White House staff who were present at Mar-a-Lago, as those individuals' names generally would not have appeared in WAVES. Therefore, any documents reflecting that such individuals were present at Mar-a-Lago were removed as non-responsive.
25. The Secret Service also identified a few records reflecting the names of local law enforcement and support personnel scheduled to have their photographs taken with the President. It was uncertain whether these records reflect the names of individuals who in fact visited the President at Mar-a-Lago, or were only scheduled to do so. It is my understanding, however, that Plaintiffs agreed, after discussions with DOJ, that they were not interested in the production of records regarding individuals who were scheduled to have their pictures taken with President Trump at Mar-a-Lago. Therefore, these records were considered non-responsive to Plaintiffs' request.
26. Documents relating to the visit of the Prime Minister of Japan, Shinzo Abe, to Mar-a-Lago were the largest remaining category of records captured through the above-described searches. This result is consistent with the Secret Service's protective responsibilities; as a visiting Head of State traveling with his spouse in the United States, Prime Minister Abe and Mrs. Abe were Secret Service protectees, see 18 U.S.C. 3056(a).



Therefore, the Secret Service had created and maintained operational records concerning its protective efforts during Prime Minister Abe's visit to the United States, and some of these records referred to the visit of the Prime Minister and his wife to Mar-a-Lago.

27. Aside from the documents relating to the Japanese Prime Minister's visit, the Secret Service's search located only a handful of records that referred to individuals who were scheduled to meet with the President at Mar-a-Lago.
28. A page by page review of the documents concerning the Japanese Prime Minister's visit and the few other documents referring to individuals who were scheduled to meet with the President at Mar-a-Lago, as identified in paragraphs 26 and 27 above (which are each comprised of multiple records), was conducted to determine whether they contained any information concerning a Presidential visitor at Mar-a-Lago. Based on this review it was determined that the Secret Service's search for material arguably responsive to Plaintiffs' FOIA request had located the following:
  - i. three White House documents, received from the White House Office, titled "Official Travel Schedule, the Visit of the President to Palm Beach, FL," for the dates of February 10, 2017, February 11, 2017, and February 12, 2017, respectively (hereinafter White House Official Travel Schedules);
  - ii. a White House document, received from the White House Office, titled "Schedule of the President, Sunday, February 12, 2017;"
  - iii. an e-mail from the White House Office containing the President's schedule for February 10, 2017;
  - iv. an e-mail from the White House Office containing the White House Chief of Staff's Schedule, which includes an entry referring to the President's dinner with the Prime Minister of Japan at Mar-a-Lago on February 10, 2017;
  - v. two Secret Service emails containing the President's schedules for February 10, 2017, and February 11, 2017, respectively, obtained from the White House Office;

- vi. three e-mails from the White House Office to PPD each providing specific information concerning the arrival of an individual who was scheduled to meet with the President on February 12 or February 19, 2017, and the person(s) accompanying the individual;
- vii. a Secret Service email containing a “Final Intelligence Situation Report for the visit of President Donald J. Trump . . . to Palm Beach, FL” from February 10-12, 2017, containing the statement that the President and First Lady are traveling to Palm Beach, FL to host the Prime Minister of Japan;
- viii. a Secret Service intelligence assessment titled “Foreign Dignitary Assessment - Japan,” prepared by the Secret Service’s PID for the visit of Prime Minister Abe, containing the statement that the Prime Minister will meet with the President at Mar-a-Lago;
- ix. a letter from the Secret Service to the Federal Bureau of Investigation (FBI), advising that the President and First Lady would be visiting the FBI’s West Palm Beach Resident Office district on February 10-12, 2017, and noting that the Prime Minister of Japan and Spouse will stay as guests of President Trump at the Mar-a-Lago Club;
- x. a Secret Service document titled “Special Operations Division (SOD) Joint Tactical Survey” for the visit of President Donald Trump and family to Palm Beach, Florida, February 10-12, 2017, containing two references to the fact that the President will be hosting and meeting with the Prime Minister of Japan and Spouse at Mar-a-Lago;
- xi. seven internal Secret Service e-mails containing or forwarding Secret Service operational, scheduling, reporting, or Presidential or other event information, including Presidential scheduling information obtained from the White House Office, and each containing a notation that the Prime Minister of Japan would be meeting or dining with the President at Mar-a-Lago; and
- xii. an e-mail from the Department of State, Office of the Chief of Protocol, that was sent to the White House Office and forwarded to the Secret Service, providing a listing of the names of individuals (and their titles or job responsibilities) who would be accompanying the Prime Minister of Japan and his wife during their visit to Mar-a-Lago.

29. All of the documents identified above indicate the possibility of a “presidential visit”

(e.g., a document indicating that a person is scheduled to meet with the President in the future). The documents do not reveal whether a visit actually took place.

Consultation and Referral of Records for Review

30. With respect to the three White House Official Travel Schedules (category i) and the other Presidential (or White House Chief of Staff) schedules (categories ii through v), a review of these materials indicated that the documents themselves and/or the Presidential schedules contained within the documents had originated from the White House Office. Similarly, the three e-mails from EOP/WHO to PPD providing specific information concerning the arrival of particular individuals scheduled to meet with the President and person(s) accompanying those individuals (category vi) had originated from the White House Office, and directly relate to the President's schedule. In addition, discrete portions of some of the seven operational emails (category xi) consist of Presidential schedule information obtained from the White House Office.
31. All of the Presidential schedule documents and related information were transmitted through the DOJ to the White House for consultation. As a result of this consultation, it was determined that all of these records contain, reflect, or directly relate to Presidential schedules. The Presidential schedules and related information were "created . . . by the immediate staff [of the President], or a unit or individual of the Executive Office of the President . . . , in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President," 44 U.S.C. § 2201, and thus they are Presidential records within the meaning of the PRA. In addition, the Presidential schedules and related information were transmitted by the White House Office to the Secret Service for the narrow and limited purpose of providing the information necessary for the Secret Service to perform

its statutory duty to protect the President. As such, these materials were not viewed as subject to the FOIA, and they were not further processed under the FOIA.

32. In regard to the remaining documents, the Final Intelligence Situation Report (category vii), the Dignitary Assessment (category viii), the letter to the FBI (category ix), the Joint Tactical Survey (category x), and the seven operational e-mails (category xi), it was determined that these documents are not records of Presidential visitors at Mar-a-Lago, but rather operational material that merely contain a repeated statement that the Prime Minister of Japan and his spouse would be meeting or dining or present with the President and First Lady at Mar-a-Lago, a widely published fact that has already disclosed by the White House. This information is also duplicative of the information contained in the State Department email (category xii), which was processed and released to Plaintiffs with redactions as discussed in paragraph 33 below.<sup>2</sup> Therefore, it was determined that these materials were not records responsive to Plaintiffs' FOIA request for records of Presidential visitors at Mar-a-Lago.
33. In regard to the e-mail that had originated with the Department of State (category xii), this email was deemed responsive to Plaintiffs' FOIA request because it evidenced potential visitors to Mar-a-Lago, some of whom were scheduled to attend a dinner with the President. This e-mail was referred to the Department of State for review as to the existing equities of that Department. After review the document was returned to the Secret Service and subsequently released to Plaintiffs with the names, email addresses, and a cell phone number of third parties redacted pursuant to FOIA exemptions (b)(6) and (b)(7)(C). A description of and explanation for the redactions is set out below.

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<sup>2</sup> The emails containing Presidential schedules for February 10 and 11, 2017 (categories iii-v) are also duplicative for the same reasons.

**FOIA Exemptions Claimed**

34. Title 5, United States Code, Section 552(b)(6) exempts from disclosure “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” Information that applies to or describes a particular individual qualifies as “personnel,” “medical,” or “similar files” under exemption (b)(6). This exemption protects both government officials and private third parties whose identities are revealed in government records from unwarranted invasion of their personal privacy that would not shed light on government activities.
35. Title 5, United States Code, Section 552(b)(7)(C) exempts from disclosure “records or information compiled for law enforcement purposes” the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” This exemption protects, among other information, the identifying information of government personnel and third parties that has been compiled for law enforcement purposes.
36. The Secret Service is a criminal law enforcement and security agency created under Title 18, United States Code, Section 3056. All of the materials identified as responsive to Plaintiffs’ FOIA request were compiled in connection with the Secret Service’s protective and/or investigative mission. As such, these Secret Service records meet the threshold requirement of exemption (b)(7) of having been compiled for law enforcement purposes.
37. The Secret Service is invoking exemptions (b)(6) and (b)(7)(C) to withhold the name and email address of one EOP employee, and the names, certain e-mail addresses, and one cell phone number of non-visitor third parties whose names and contact information

appear on these documents and who provided information to be used by the Secret Service in connection with its protective or investigative mission.

38. In making the determination to withhold these names, e-mail addresses, and cell phone number, the Secret Service balanced the public's interest in disclosure against the rights of these third parties and EOP employee to personal privacy, and determined that the privacy rights of the third parties and EOP employee outweighed any public interest in disclosure. The Secret Service determined that there is no cognizable public interest in the disclosure of this information, because such information reveals nothing about the manner in which the Secret Service conducts its activities. Given these factors, the Secret Service determined that the privacy rights of the third parties and EOP employee outweigh the public's interest in disclosure.

#### **Segregation**

39. Every effort has been made to provide the Plaintiffs with all reasonably segregable portions of the State Department email. No reasonably segregable, non-exempt portions of the email have been withheld from Plaintiffs.

#### **Conclusion**

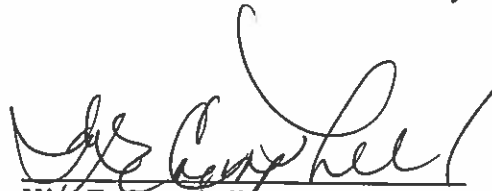
40. The Secret Service has searched for, located, reviewed, and released to Plaintiffs one record responsive to their request. The Secret Service has released as much information as possible and has processed the record to withhold only the information that it has determined can be withheld pursuant to valid FOIA exemptions. The additional material located and reviewed by the Secret Service is PRA material not subject to the FOIA and/or duplicative of information (specifically, the fact that the Japanese Prime Minister and his wife were scheduled to meet or dine with the President at Mar-a-Lago on

February 10 and 11) which has already been made public by the White House and/or was contained in the State Department email released to Plaintiffs.

41. The Secret Service has made every effort to comply with the intent of the FOIA, while protecting personal privacy of an EOP employee and third parties.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

10/23/17  
Date

  
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Kim E. Campbell  
Special Agent in Charge,  
Freedom of Information Act and  
Privacy Act Officer  
Liaison Division  
United States Secret Service