



**Judicial
Watch**[®]
*Because no one
is above the law!*

July 9, 2010

VIA CERTIFIED MAIL & FACSIMILE

FOIA Coordinator
U. S. Department of Labor - ESA
Room S-3201
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the Department of Labor produce the following within twenty (20) business days:

- 1) Any and all records of complaints by undocumented workers under the Wage and Hour Division's "We Can Help" program. The time frame for this request is April 1, 2010 until July 9, 2010.
- 2) Any and all records of the policies and procedures of the Wage and Hour Division's "We Can Help" program concerning, regarding, or relating to complaints received from an undocumented worker. The time frame for this request is April 1, 2010 until July 9, 2010.
- 3) Any and all records of statistical information; including but not limited too charts, graphs, and tables; about the number of complaints filed by undocumented workers under the Wage and Hour Division's "We can Help" program. The time frame for this request is April 1, 2010 until July 9, 2010.

For purpose of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including correspondence, memoranda, notes, messages, facsimiles, forms, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronic materials, including without limitation all electronic e-mail, all materials stored on compact disks, hard drives servers, or tape; (3) any audio, aural, visual, or video records, recordings, or representations of any kind; (4) any graphic materials and data

Department of Labor

7/9/10

Page 2 of 3

compilations.

If any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

Judicial Watch also requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through FOIA to the public.

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5172 or mbekesha@judicialwatch.org. Thank you for your cooperation.

Department of Labor

7/9/10

Page 3 of 3

Sincerely,
Keith Metz