

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN EAKIN,

Plaintiff,

vs.

UNITED STATES DEPARTMENT
OF DEFENSE,

Defendant.

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Civil Action No. SA-16-CV-0972-XR

DECLARATION OF MONIQUE WEY GILBERT

1. My name is Monique Wey Gilbert. I am over the age of eighteen, am competent to make this declaration, and am doing so voluntarily. This declaration is based upon my personal knowledge, or upon information I have obtained in the course and scope of my duties as the Chief of the Army Human Resources Command (AHRC) FOIA/ Privacy Act (PA) Office.

2. I have served as the Chief of this Office for the last one and one-half years. Before that, I served for approximately nine years as a FOIA Action Officer, processing requests related to living and deceased servicemen and servicewomen. I supervise nine FOIA Action Officers in this Office. Our Office is responsible for processing approximately 6,000 record requests annually. As a general rule, we process requests on a first-in-first-out basis. In addition to processing FOIA requests, the AHRC FOIA/PA Office is responsible for serving as the records custodian for Army personnel records from World War II to the present, including promotions, awards, current combat casualties, IDPF files from World War II to the present, and other investigations. Many of these responsibilities, including responding to FOIA requests, are subject to statutory time deadlines.

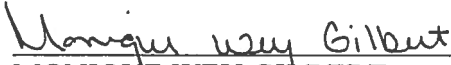
3. The Defense POW MIA Accounting Agency (DPAA) is coordinating the response to Mr. Eakin's FOIA request, and our Office as subject matter experts, is assisting DPAA by reviewing the 280,000 plus Individual Deceased Personnel Files (IDPF's) files. This is a multi-step process. On or about November 18, 2016, our Office received the hard drives containing the approximately 280,000 IDPF's from the DPAA. Each individual IDPF can contain one or two pages, or as many as hundreds of pages. Because of the large amount of data contained on these hard drives, 4.2 terabytes of information, our Office was required to run security scans and build a separate drive to contain this information, which took approximately six weeks. Another one and one-half weeks were required to download all of the files to a shared drive so FOIA Action Officers could work on the request, and two weeks for the Action Officers to obtain the necessary security permissions. Pending further legal instruction, I have assigned three FOIA Action Officers to work on Mr. Eakin's request.

4. Since the three FOIA Action Officers have had access to the shared drive, they have processed approximately 475 individual IDPF's. They found Personally Identifiable Information (PII) in 41 of these files. The PII consisted of names, addresses, phone numbers, and e-mail addresses of current FOIA requestors. Pursuant to Army Regulations, our Office is not authorized to release this PII.

5. Our Office does not have the current technological capability to create PII identifiers to scan the shared drive for PII. I have requested that our Information Technology contact for the Army Human Resources Command further investigate whether there is a technological solution which would allow for the completely accurate screening of PII without a manual file review. It has been the consistent practice of our Office to always conduct a manual review of individual files to screen them for PII. Further, it is my opinion that release of any files from our Office without a manual review would risk the possible disclosure of PII.

I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 27th day of January, 2017.



MONIQUE WEY GILBERT
Chief, AHRC FOIA/PA Office