

Exhibit 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

HERITAGE FOUNDATION &
MIKE HOWELL,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendant.

Case No. 23-cv-1198 (CJN)

DECLARATION OF CATRINA PAVLIK-KEENAN

I, Catrina M. Pavlik-Keenan, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Deputy Chief Freedom of Information Act (“FOIA”) Officer for the Department of Homeland Security Privacy Office. I have held this position since July 4, 2021. Prior to holding this position, I was the U.S. Immigration and Customs Enforcement (“ICE”) FOIA Officer from December 18, 2006, until July 3, 2021. Prior to holding that position, I worked for approximately four years in the FOIA office at the Transportation Security Administration - first as a Supervisory FOIA Analyst, then as Deputy Director for two years, and finally as Director. Prior to holding that position, I worked approximately nine years as a FOIA Analyst at the Department of Transportation, holding positions at Federal Highway Administration, Office of Pipeline Safety, and Office of the Secretary from 1993 to 2002. In total, I have 28 years of experience processing FOIA requests. I am the DHS official responsible for implementing FOIA policy across DHS and responding to requests for records under FOIA, 5 U.S.C. § 552, the Privacy Act, 5 U.S.C. § 552a, and other applicable records access provisions.

2. As the Deputy Chief FOIA Officer for the DHS Privacy Office, I act as the Department of Homeland Security's principal point of contact and agency representative on FOIA-related matters for DHS Headquarters and all of the DHS components. My official duties and responsibilities include the implementation of consistent FOIA management across DHS in collaboration with DHS Components. In accordance with this responsibility, I maintain expert knowledge of the DHS FOIA regulations and routinely provide regulatory and policy guidance, technical advice, and assistance across the Department on all FOIA-related matters.

3. I make this declaration in response to the courts order dated 3/21/2024, for an in-camera review of any potentially responsive records found by OBIM as they relate to any previous GLOMAR assertions made in the above-captioned case. The statements contained in this declaration are based upon my personal knowledge, my review of the documents kept by DHS Privacy (PRIV) in the ordinary course of business, and information provided to me by other DHS PRIV and OBIM employees in the course of my official duties.

4. The DHS Privacy Office receives and processes FOIA requests for several DHS Headquarters Offices to include the Office of Biometric Identity Management (OBIM).

5. Through the exercise of my official duties, I am familiar with DHS's receipt and handling of the subject request submitted by the Plaintiff and the steps taken to respond to Plaintiff's request as previously provided in my August 25, 2023, declaration. These steps consist of 1) The initial DHS PRIV determination that U.S. Citizenship & Immigration Services (USCIS), Office of Biometric Identity Management (OBIM) and the U.S. Customs and Border Protection (CBP) were the appropriate components to which the request should be referred to, and 2) Both DHS PRIV's final June 13, 2023 and OBIM's final May 25, 2023 determinations notifying the requestor that DHS PRIV could neither confirm nor deny the existence of records relating to the relevant portions

of the request. Both referral and final determinations were previously described and submitted into the record via a declaration signed by Catrina M. Pavlik-Keenan, on 8/23/2023.

6. On March 21, 2024, this court ordered Defendants to “...submit to the Court in camera a declaration or declarations that detail, with particularity, the records it is withholding and the particular harm that would arise from public disclosure of them...”

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[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Signed this 3rd day of April 2024.

**CATRINA M
PAVLIK KEENAN**

Digitally signed by CATRINA M
PAVLIK KEENAN
Date: 2024.04.03 13:09:44
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Catrina M. Pavlik-Keenan
Deputy Chief FOIA Officer
Privacy Office
U.S. Department of Homeland Security