

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

September 6, 2023

Ms. Jacqueline Stevens
601 University Place, 2d floor
Political Science Department
Evanston, IL 60208

**RE: Stevens v. ICE 20-cv-2725
ICE FOIA Case Number 2020-ICLI-00042
Supplemental Release**

Dear Ms. Stevens:

This letter is a supplemental response to your client's Freedom of Information Act (FOIA) requests to U.S. Immigration and Customs Enforcement (ICE). Your client seeks records relating to the following Freedom of Information Act requests: 2018-ICFO-56530, 2020-ICFO-18634, 2019-ICFO-33429, 2019-ICFO-29171, 2018-ICFO-59138, and 2019-ICFO-24680. ICE has considered your request under the FOIA, 5 U.S.C. § 552.

For this production, ICE is making a discretionary re-release of 199 pages of records. ICE has reviewed the pages and determined that 77 pages will be released in full and portions of the remaining 122 pages will be withheld pursuant to FOIA Exemptions (b)(4), (b)(6), (b)(7)(C) and (b)(7)(E) as described below. The pages will retain their original Bates numbers.

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. This exemption covers two categories of information in federal agency records: (1) trade secrets; and (2) information that is commercial or financial, obtained from a person (which may include corporations or state governments), and privileged or confidential, which is both customarily and actually treated as private by the submitter of the information. *See Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356, 2362-63 (2019). I have reviewed the responsive documents, the submitter's objections to release, and relevant case law, and I have determined that portions of the responsive records are exempt from disclosure under subsection (b)(4) of the FOIA and must be withheld in order to protect the submitter's proprietary interests.

ICE has applied FOIA Exemptions 6 and 7(C) to protect from disclosure the personally identifiable information of DHS employees and third parties contained within the records.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy

interests of the non-public-facing individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes note of the strong interests of individuals, whether they are suspects, witnesses, investigators, or individuals performing their official duties in connection with a law enforcement agency, in not being unwarrantably associated with alleged criminal activity or becoming targets for revenge by begrudged individuals. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of the non-public-facing individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

If you have any questions about this letter, please contact Assistant United States Attorney Alex Hartzler at Alex.Hartzler@usdoj.gov.

Sincerely,

Marcus K. Francis Sr.
Supervisory Paralegal Specialist

Enclosure: 199 pages

(b) All authorized overtime, as identified above, must be approved by the Regional Health Service Administrator in advance.

(c) If the Contractor's employee works over forty (40) hours a week for any other reason, other than at the Government's request, the Government will be responsible for payment of the standard rate while the Contractor will be responsible for any overtime premiums owed to its employee.

(d) In computing overtime rates payable under the terms of this contract, the Contractor shall use the employee's hourly basic rate of pay multiplied by 1.5. The basic rate of pay includes employee contributions to fringe benefits, but excludes the Contractor's contributions, costs, or payment of cash equivalents for fringe benefits. Therefore, when calculating overtime rates, do not calculate overtime on overhead, G&A, Profit, etc. Overtime is calculated on the base rate only.

C-26. TIME CLOCK.

(a) Contractor employees will utilize the government supplied timeclock and timecards, or its ~~each~~ equivalent, each day of work. In order to receive compensation, all contractor employees will be required use the issued timecard to "clock in" when reporting to work and "clock out" when leaving their period of duty. Each contractor employee will also be required to "clock out" for meal breaks and "clock in" upon returning to work. Upon hire, Contractor staff members are provided training by the on-site Technical Monitor on use of the independent government timekeeping system in use at the site timecard and timeclock function. In the event that the timeclock, or its equivalent, is non-operational, the Technical Monitor on-site will manually input the required times on the timecard or otherwise document hours worked. This issue must be reported in writing by email to the technical monitor within 24 hours of occurrence.

(b) The government supplied timecard will be signed and dated by the contract employee and will be presented to the local technical Monitor or their designee weekly.

(c) In order to mitigate the risk of timekeeping technical errors or lost timecards, all Contractor employees will ensure their timecard is placed in a secure area and will not be taken off site.

(d) It is the responsibility of the Contractor employee to secure the government-issued timecard. If the timecard is lost, the contractor will justify the loss in writing within 24 hours of occurrence and submit to the local Technical Monitor via email. The government timekeeping system is how hours worked are verified. If the GTM does not have the data (time cards or equivalent) hours cannot be verified. Exceptions may be granted on a case by case basis by the Contracting Officer.