

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

NAME OF OFFEROR OR CONTRACTOR
 BERKS COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>Contract Specialist: (b)(6); (b)(7)(C) 202-734 (b)(6): (b)(6); (b)(7)(C) @ice.dhs.gov</p> <p>The purpose of this modification is to:</p> <p>1) Provide funding for CLIN 0001, Detention Services (bedspace); CLIN 0001A, Detention Services (bedspace); CLIN 0003, Miscellaneous Costs; CLIN 0004, Education Costs; CLIN 0008, Voluntary Work; and CLIN 0009, Dental Costs.</p> <p>For CLINs 0001, 0003, 0004, 0008, and 0009, funding is provided through this modification for services provided under this task order through 10/31/2019. For CLIN 0001A, funding is provided through this modification for services provided under this task order through 11/07/2019.</p> <p>a) For CLIN 0001, funding is provided in the amount of \$(b)(4)</p> <p>As a result, the funding on CLIN 0001 is increased: FROM: \$(b)(4) BY: \$ TO: \$</p> <p>b) For CLIN 0001A, funding is provided in the amount of \$(b)(4)</p> <p>As a result, the funding on CLIN 0001A is increased: FROM: \$(b)(4) BY: \$ TO: \$</p> <p>c) For CLIN 0003, funding is provided in the amount of \$(b)(4)</p> <p>As a result, the funding on CLIN 0003 is increased: FROM: \$(b)(4) BY: \$ TO: \$</p> <p>d) For CLIN 0004, funding is provided in the amount of \$(b)(4).</p> <p>Continued ...</p>				

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
DROIGSA-10-0003, /70CDCR19FIGR00249/P00001

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NAME OF OFFEROR OR CONTRACTOR
BERKS COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001A	<p>The Amount on this CLIN has increased from \$(b)(4) by \$(b)(4) to \$(b)(4) Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Accounting Info: (b)(7)(E)</p> <p>Funded: \$(b)(4)</p> <p>Accounting Info: (b)(7)(E)</p> <p>Funded: \$(b)(4)</p> <p>Change Item 0001A to read as follows (amount shown is the obligated amount):</p> <p>DETENTION SERVICES-BERKS FAMILY RESIDENTIAL CENTER \$(b)(4) PER PERSON/DAY</p> <p>The Amount on this CLIN has increased from \$(b)(4) by (b)(4) to \$(b)(4)</p> <p>The quantity on this CLIN has increased from 26,019 by 8,673 to 34,692. Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Accounting Info: (b)(7)(E)</p> <p>Funded: \$99,999.69</p> <p>Change Item 0003 to read as follows (amount shown is the obligated amount):</p>				(b)(4)
0003	<p>MISCELLANEOUS COSTS (Clothing/Meals/Pest Control/Zika Sprays)</p> <p>The amount on this CLIN has increased: FROM (b)(4) BY: \$ TO: \$</p> <p>Accounting Info: (b)(7)(E)</p> <p>Continued ...</p>				(b)(4)

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
DROIGSA-10-0003, /70CDCR19FIGR00249/P00001

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NAME OF OFFEROR OR CONTRACTOR
BERKS COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0004	<p>(b)(7)(E)</p> <p>Funded: \$0.00 Accounting Info:</p> <p>(b)(7)(E)</p> <p>Funded: (b)(4)</p> <p>Change Item 0004 to read as follows (amount shown is the obligated amount):</p> <p>Description: EDUCATION COSTS @ (b)(4) PER MONTH Not-to-Exceed \$ (b)(4) Per School Year (10 Months)</p> <p>The amount on this CLIN has increased: FROM: \$ (b)(4) BY: \$ TO: \$</p> <p>Accounting Info: (b)(7)(E)</p> <p>Funded: \$0.00 Accounting Info: (b)(7)(E); (b)(4)</p> <p>Funded: (b)(4)</p>				(b)(4)
0008	<p>VOLUNTARY WORK @ \$1.00 PER PERSON/ DAY</p> <p>The amount on this CLIN has increased: FROM: \$1,000.00 BY: \$1,000.00 TO: \$2,000.00</p> <p>Accounting Info: (b)(7)(E); (b)(4)</p> <p>Funded: \$1,000.00</p> <p>Change Item 0009 to read as follows (amount shown Continued ...</p>				1,000.00