

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

From: (b)(6); (b)(7)(C)
To:
Subject: FW: Berks Education
Date: Wednesday, May 30, 2018 3:58:29 PM
Attachments: 2015 BCIU Contract.pdf

Here is the base education sub contract.

(b)(6);

**Detention, Compliance & Removals (DCR)
Section Chief**

DHS | ICE | Office of Acquisition Management (OAQ)

801 "I" Street, N.W., Room (b)(6); (b)(7)(C)

Mail Stop (b)(6);

Washington, D.C. 20536-5750

Phone: (202) 732 (b)(6); (b)(7)(C)

Cell: (202) 380 (b)(6); (b)(7)(C)

Email: (b)(6); (b)(7)(C)@ice.dhs.gov

From: (b)(6); (b)(7)(C)

Sent: Tuesday, May 22, 2018 11:59 AM

To: (b)(6); (b)(7)(C)@ice.dhs.gov; Odhiambo, Pamela

(b)(6); (b)(7)(C)@ice.dhs.gov; Reese, William <William.Reese@ice.dhs.gov>

Cc: (b)(6); (b)(7)(C)@ice.dhs.gov

Subject: Berks Education

Attachments for rate change (It was around this time. I think the reasoning was that in order to get their State License for the 4th floor opening, all staff had to be in place). Obviously the 4th floor never opened up. This is the timeframe that the changes were made. If you need more to track back, let me know.

(b)(6); (b)(7)(C) was the COR prior to me. I took over as COR because of all the problems around April of 2015. I have a lot more I can send if you need. As I recall this was an ugly period of time. The FOD/AFOD and everyone had their hands in this.

Regards.

(b)(6); (b)(7)(C)

Management & Program Analyst, COR
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