

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

Total to be Subcontracted	\$1,000,000	100%
Subcontract to Small Business (including Alaska Native Corporations (ANC) and Indian tribes)	\$400,000	40.0%
Subcontract to Service Disabled Veteran-Owned Small Business	\$30,000	3.0%
Subcontract to Veteran-Owned Small Business	\$50,000	5.0%
Small Disadvantaged Business (including ANC and Indian tribes)	\$50,000	5.0%
Women-Owned Small Business	\$50,000	5.0%
Subcontract to HUBZone Small Businesses	\$30,000	3.0%

IF PERCENTAGE GOALS BELOW ARE LOWER THAN THE EXAMPLE ABOVE, PLEASE SUBMIT THE SPECIFIC JUSTIFICATION STATING WHY:

N/A

PLEASE ENTER THE INFORMATION LISTED BELOW:

Total dollars to be subcontracted: **\$ 3,259,232**

- ❖ Estimated total dollars to be subcontracted to Small Business (SB) (including Alaska Native Corporation's (ANCs) and Indian tribes):

FY (12/6/18-3/5/19)	FY (3/6/19-4/5/19)	FY (4/6/19-5/5/19)	FY (5/6/19-6/5/19)	FY
Base Yr 1	1st Option	2nd Option	3rd Option	
\$ 651,846	\$ 217,282	\$ 217,282	\$ 217,282	\$

- ❖ Estimated total dollars to be subcontracted to Service-Disabled Veteran-Owned Small Business (SDVOSB):

FY (12/6/18-3/5/19)	FY (3/6/19-4/5/19)	FY (4/6/19-5/5/19)	FY (5/6/19-6/5/19)	FY
Base Yr 1	1st Option	2nd Option	3rd Option	
\$ 48,888	\$ 16,296	\$ 16,296	\$ 16,296	\$

- ❖ Estimated total dollars to be subcontracted to Veteran-Owned Small Business (VOSB):

FY (12/6/18-3/5/19)	FY (3/6/19-4/5/19)	FY (4/6/19-5/5/19)	FY (5/6/19-6/5/19)	FY
Base Yr 1	1st Option	2nd Option	3rd Option	
\$ 81,481	\$ 27,160	\$ 27,160	\$ 27,161	\$

- ❖ Estimated total dollars to be subcontracted to Small Disadvantaged Business (SDB) (including Alaska Native Corporation's (ANCs) and Indian tribes):

FY (12/6/18-6/5/19)	FY (3/6/19-4/5/19)	FY (4/6/19-5/5/19)	FY (5/6/19-6/5/19)	FY
Base Yr 1	Base Yr 2	Base Yr 3	1st Option	2nd Option
\$ 81,481	\$ 27,160	\$ 27,160	\$ 27,161	\$

❖ Estimated total dollars to be subcontracted to Women-Owned Small Business (WOSB):

FY (12/6/18-3/5/19)	FY (3/6/19-4/5/19)	FY (4/6/19-5/5/19)	FY (5/6/19-6/5/19)	FY
Base Yr 1	1st Option	2nd Option	3rd Option	
\$81,481	\$27,160	\$27,160	\$27,161	\$

❖ Estimated total dollars to be subcontracted to HUBZone Small Business Concerns:

FY (12/6/18-3/5/19)	FY (3/6/19-4/5/19)	FY (4/6/19-5/5/19)	FY (5/6/19-6/5/19)	FY
Base Yr 1	1st Option	2nd Option	3rd Option	
\$48,888	\$16,296	\$16,296	\$16,296	\$

❖ Estimated total dollars to be subcontracted to Large Business:

FY (12/6/18- 3/5/19)	FY (3/6/19-4/5/19)	FY (4/6/19-5/5/19)	FY (5/6/19-6/5/19)	FY
Base Yr 1	1st Option	2nd Option	3rd Option	
\$977,769	\$325,923	\$325,923	\$325,923	\$

IF PROPOSED GOALS DO NOT MEET ICE’S MINIMUM ESTABLISHED GOALS, THE PLAN MUST INCLUDE A DETAILED JUSTIFICATION, BY CATEGORY, AS TO WHY THE PLAN PROPOSES LESS THAN THE MINIMUM GOALS REQUIRED BY ICE.

2.2. DESCRIPTION OF SUPPLIES AND SERVICES TO BE SUBCONTRACTED. Provide a description of the principal types of supplies and services to be subcontracted under this contract, and an identification of the types planned for subcontracting to small (including ANCs and Indian tribes), service-disabled veteran-owned and veteran-owned small business concerns), small disadvantaged (including ANCs and Indian tribes), women-owned, HUBZone.

TYPE OF BUSINESS (CHECK ALL THAT APPLY). YOU MUST IDENTIFY THE PRODUCTS/SERVICES TO BE SUBCONTRACTED IN EACH CATEGORY. “ZERO” PERCENTAGES OR STATEMENTS SUCH AS “TO BE DETERMINED” OR “N/A” ARE UNACCEPTABLE.

PLEASE LIST THE PRODUCTS/SERVICES TO BE SUBCONTRACTED – NO DOLLARS OR PERCENTAGES

<u>PRODUCT /SERVICE</u>	<u>LARGE</u>	<u>SMALL</u> (including ANCs and Indian tribes)	<u>SDVOSB</u>	<u>VOSB</u>	<u>SDB</u> (including ANCs and Indian tribes)	<u>WOSB</u>	<u>HUBZONE</u>
Food Services	X	X	X	X	X	X	X
Resident	X	X			X	X	
Operations	X	X	X	X	X	X	X
Maintenance	X	X	X		X	X	
Programs	X	X	X		X	X	
Repair & Maint	X	X	X		X	X	

2.3. A description of the method used to develop the subcontracting goals.