

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JACQUELINE STEVENS,)	
)	
Plaintiff,)	
)	
v.)	No. 22 C 5072
)	
UNITED STATES DEPARTMENT OF)	Judge Kennelly
HEALTH AND HUMAN SERVICES, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS’ RESPONSE TO
PLAINTIFF’S STATEMENT OF FACTS**

Defendants, by Morris Pasqual, Acting United States Attorney for the Northern District of Illinois, respond to plaintiff’s statement of facts (PSOF, Dkt 43) in support of her cross-motion for summary judgment as follows:

Parties

1. Plaintiff Jacqueline Stevens is a professor at Northwestern University. Answer ¶5.

Response: Admit.

2. Defendants HHS, DHS, and DOJ are agencies of the executive branch of the U.S. government within the meaning of 5 U.S.C. § 552(f)(1) from which Stevens sought information. Answer ¶16.

Response: Admit.

3. Defendants CBP, ICE, and USCIS are agencies within the U.S. Department of Homeland Security (“DHS”). Answer ¶17:

Response: Admit.

4. Defendant EOIR is a sub-agency within the United States Department of Justice (“DOJ”) which has responsibility for records of legacy Immigration and Naturalization Services (“INS”).

Response: Admit.

5. Defendants have custody, possession, and control over the records and the systems of records sought by Stevens under FOIA and/or PA, and have had such custody, possession, and control at the time the records were requested and up to the present. Answer ¶19; see also Defendants' Declaration in opposition to Request for Preliminary Injunction, ECF #16.

Response: Admit with respect to EOIR, but otherwise deny. See Answer ¶19.

[HHS] – 2020-00435-FOIA-OS – Lauren Underwood

6. On December 11, 2019, Stevens submitted the following request to HHS pursuant to the FOIA:

records tied to the hiring, transfers, and scope of work performed by Lauren Underwood at HHS. Underwood is a present member of Congress (D-IL).

1) all position announcements associated with any jobs she held at HHS.

2) all reports, memorandums, or analyses she produced, including but not limited to her work on Ebola and other emergency public health matters.

3) all travel itineraries.

4) all expense reports. The time frame of this request is Jan. 1, 2010 to January 22, 2017.

Answer ¶20.

Response: Admit.

7. Other than acknowledging the filing of the request Stevens received no documents, determination, and no further communication from Defendant about this properly submitted FOIA request. Stevens Decl ¶¶8-9; Answer ¶22-24.

Response: Dispute. HHS has produced 239 pages of records to Stevens. Def. Ex. A (HHS production letters).

[CBP] – CBP-2022-080265 – Toan Hoang

8. On March 10, 2022, Stevens submitted a FOIA request directly to CBP. The request sought:

[A]ll system records and other items maintained, produced, or distributed by CBP pertaining to Toan Hoang. His "alien number" is 025-105-060. He was born in Vietnam on [PII-REDACTED]. Information responsive to this request includes but is not limited to:

(1) all memoranda, notes, reports, email messages, and all other

system records or communications associated with or pertaining to Mr. Hoang generated or received by CBP and; (2) screen shots of all databases likely to have responsive records. The time frame of this request is [REDACTED] to the present. Mr. Hoang has signed a waiver, including a certificate of identity, allowing me to receive these records. Please find a copy of this waiver attached.

Answer ¶25; Stevens Decl. ¶11.

Response: Admit.

9. On March 10, 2022, Plaintiff uploaded to her online FOIA request a PDF of the privacy waiver signed under penalty of perjury by Mr. Hoang and authorizing agencies to release his records to Stevens. Stevens Decl. ¶11 & Exh 2.

Response: Admit.

10. Other than acknowledging the filing of the request Stevens received no documents, determination, and no further communication from Defendant as about this properly submitted FOIA request. Stevens Decl. ¶¶13-14.

Response: Dispute. CBP responded on October 26, 2022, with a letter informing Stevens that it had “conducted a comprehensive search of files within the CBP databases for records that would be responsive” to her request for records regarding Hoang and that it was “unable to locate or identify any responsive records.” Ex. B (June 6 and Oct. 26, 2022 CBP letters).

[CBP] – Lauren Underwood

11. On November 22, 2019, Stevens submitted a FOIA request to DHS. The request sought:

1) all communications and related materials created, received, or maintained by the Department of Homeland Security to which Rep. Lauren Underwood (D-IL) or any member of her staff [*sic*]. This includes but is not limited to all email, text messages, notes, reports, memorandums, proposed bill texts, and bill evaluations. In a floor speech of 9/26/2019 Rep. Underwood stated she received information from the “Department of Homeland Security” indicating a request for an integrated Electronic Health Records System she referenced as “EHR.” She refers to this in her remarks on HR 3525 as a “direct ask from medical officers at the Department of Homeland Security.”

- 2) DHS communications and related materials created by or received from other components of DHS or the Department of Health and Human Services Office of Refugee Resettlement about the use of Electronic Health Records systems already in place as well as the establishment of an EHR for the use by offices of CBP.
- 3) Information on meetings and communications with private individuals, including but not limited to lobbyists or company officials related to past, current, or potential “enterprise” or other information technologies for collecting, coordinating, or maintaining health records data for those encountered or detained by DHS or any component of DHS. Technical reports, email, text messages, or other communications with the private sector tied to past, current, or potential contacts tied to EHR systems.

Answer. ¶29.

Response: Admit.

12. On December 2, 2019, Stevens received an email notifying her that DHS created a case no. for Stevens’ request “2020-HQFO-00215,” and stated that the agency was “transferring this request to the FOIA Officers for [...] U.S. Customs and Border Protection (CBP), for processing under the FOIA and direct response to you.” Answer ¶30.

Response: Admit.

13. Other than acknowledging the filing of the request Stevens received no documents, determination, and no further communication from Defendant about this properly submitted FOIA request. Stevens Decl ¶¶ 15-17; Answer ¶¶34-35.

Response: Admit.

[ICE] – Miguel Silvestre – No case no. assigned

14. On June 22, 2021, Stevens submitted by email a request to ICE pursuant to the FOIA/PA for the following:

[A]ll system records and other items maintained, produced, or distributed by ICE pertaining to Miguel Guzman Silvestre. His date of birth is [PII-REDACTED]. His country of birth is the United States. His “alien” number is 077-166-008. I am interested in all system records pertaining to Mr. Guzman and all ICE correspondence with other government agencies, individuals, or attorneys pertaining to Mr. Guzman as well. Please include as well:

- 1) All records of all grievances filed by Mr. Guzman, orally or in writing and under the control of ICE or its components, including county jails or private prisons with which ICE has contracted.
- 2) Commissary account data, including but not limited to information tracking funds reimbursed to Mr. Guzman on release from custody.
- 3) Work program participation documents and payment records.
- 4) All correspondence, notes, and other records pertaining to assertions or findings of U.S. citizenship from all databases.
- 5) Communications with police, jails, prisons about Mr. Guzman's arrest and detention.
- 6) Screen shots of all tabs for interfaces associated with databases likely to have records responsive to this request.
- 7) All email, faxes, notes, and all other analyses and records tied to ICE investigations or findings for any deportation orders or arrests of Mr. Guzman.

Please note I am attaching a third party waiver signed by Mr. Guzman and authorizing the release of all responsive documents to me under the FOIA/PA. Please note that the components and officials that track detention facility compliance with ICE contracts are likely to have responsive records and will need to be queried. Please note that prior responses to similar requests have been incomplete and in violation of the FOIA/PA. If the final response does not include all of the records indicated below it is in violation of the law to represent it as a "final response." It also is a violation of the Administrative Procedure Act, insofar as this is a pattern and practice of the agency. If you are a FOIA agent reviewing this, then I would appreciate your reviewing my request with your colleagues in offices tasked for documents items that are missing when they return to you only a few pages from EARM.

Answer ¶ 36.

Response: Admit.

15. Stevens attached to her request a privacy waiver signed under penalty of perjury by Mr. Silvestre authorizing agencies to release his records to Stevens. Answer ¶37.

Response: Admit.

16. The agency did not issue a determination, produce records, or otherwise respond to the properly submitted request prior to the filing of the lawsuit, despite the passage of 304 business days since the filing of the request. Answer ¶¶39-40.

Response: Admit.

[ICE] – 2022-ICFO-08985 – Toan Hoang

17. On March 10, 2022, Stevens submitted a request to ICE pursuant to the FOIA/PA for the following:

- 1) All records of all grievances filed by Mr. Hoang, orally or in writing and under the control of ICE or its components, including county jails or private persons with which ICE has contracted.
- 2) Commissary account data, including but not limited to information tracking funds reimbursed to Mr. Hoang on release from custody.
- 3) Work program participation documents and payment records.
- 4) All correspondence, notes, and other records pertaining to assertions or findings of U.S. citizenship from all databases, including records tied to proceedings in Los Angeles in 1999.
- 5) Communications with police, jails, prisons about Mr. Hoang's arrest and detention.
- 6) Screen shots of all tabs for interfaces associated with databases likely to have records responsive to this request.
- 7) All email, faxes, notes, and all other analyses and records tied to ICE investigations or findings for any deportation orders or arrests of Mr. Hoang.

The time frame of this request is January 1, 1996 through the present. Mr. Hoang has signed a waiver, including a certificate of identity, allowing me to receive these records. Please find a copy of this waiver attached. Please note that prior responses to similar requests have been incomplete and in violation of the FOIA. If your response does not include all of the records indicated below it is in violation of the law to represent it as a "final response." The purpose of the FOIA is to provide to the public timely information. The information I obtain from the government has featured in my own research, from which journalists have drawn for widely circulated stories on matters of obvious public interest, especially ICE detaining and deporting U.S. citizens.

Stevens attached to her request a privacy waiver signed under penalty of perjury by Mr. Hoang authorizing agencies to release his records to Stevens. Answer. ¶41, 43.

Response: Admit.

18. The agency did not issue a determination, produce records, or otherwise respond to the properly submitted request prior to the filing of the lawsuit, despite the passage of 128 business days since the filing of the request. Answer ¶¶45-46.

Response: Admit.

[ICE] – 2022-ICFO-27065 – Pascal Charpentier

19. On August 18, 2022, Stevens submitted a request to ICE via the DHS portal pursuant to the FOIA/PA for the following:

All system records and other items maintained, produced, or distributed by ICE, including ICE trial attorneys and HQ, pertaining to Pascal Charpentier. His date of birth is [PII - REDACTED]. His country of birth is Germany. His “alien” number was 029001711 and in 2016 he was given this number: 020578103. I am interested in all system records pertaining to Mr. Charpentier and all ICE correspondence with other government agencies, individuals, or attorneys pertaining to Mr. Charpentier as well.

Please include as well:

- 1) All records of all grievances filed by Mr. Charpentier orally or in writing and under the control of ICE or its components, including county jails or private prisons with which ICE has contracted.
 - 2) Commissary account data, including but not limited to information tracking funds reimbursed to Mr. Charpentier on release from custody.
 - 3) All correspondence, notes, and other records pertaining to assertions or findings of U.S. citizenship, including but not limited to entries nito PLANet.
 - 4) All ICE Fugitive Operation notes, memorandums, text messages, and other information in any medium related to the search and arrest of Mr. Charpentier. This includes but is not limited to database search protocols on which agents relied for information leading to the arrest.
- I am seeking all instructions in any form on which ICE employees relied in their search for the information that led to the arrest of Mr. Charpentier.
- 5) Screen shotes of all tabs for interfaces to databases searched for information responsive to this request.

Please note that I am attaching a third party waiver and certificate of identity signed by Mr. Charpentier and authorizing the release of all responsive documents to me under the FOIA/PA.

Answer ¶47.

Response: Admit.

20. Stevens stated the request was “expedited” and provided an attachment titled “Grounds for Expedited Request”. Answer ¶48.

Response: Admit.

21. The agency did not issue a determination, produce records, or otherwise respond to the properly submitted expedited request prior to the filing of the lawsuit. (ECF # 16 Pineiro Decl at Page ID 212-214).

Response: Admit.

[EOIR] – July 2020 Rubin Request

22. On July 8, 2020, Stevens submitted a FOIA request to EOIR seeking “all documents released to Joel Rubin for FOIA case no 2017-22261, Statistics.” Ex. A & Santiago Declaration submitted in support of Defendant EOIR Rule 56 Motion, ECF #4 [*sic, read* 41] [hereinafter ‘Santiago Decl’] ¶ 16.

Response: Admit.

23. EOIR sent Stevens an acknowledgement letter on July 15, 2020. Ex. A (Santiago Decl. ¶ 17).

Response: Admit.

24. Plaintiff has received no determination, no records responsive to this request, and no “final letter” dated July 23, 2020. Stevens Decl. ¶78.

Response: Dispute that Stevens has received no determination; paragraph 78 of her declaration does not state as much, and EOIR sent her a final response letter releasing the requested record in full on July 23, 2020. *See* Pineiro Decl. ¶ 18 (Dkt. 41 at 17 of 127). Admit that Stevens has declared that she has not received any records or letter, but note that EOIR sent both. *Id.*

[EOIR] – June 2021 Silvestre Request

25. On June 22, 2021, Stevens submitted a FOIA request to EOIR seeking “all system records and other items maintained, produced, or distributed by EOIR pertaining to Miguel Silvestre. His ‘alien number’ is 077-166-008. He was born in Sacramento, on [here Stevens provided Silvestre’s birth date]. This request includes but is not limited to all memoranda, notes, reports, email messages, and all other system records or communications associated with or pertaining to Mr. Silvestre generated or received by EOIR. This also includes the record of proceedings for his immigration hearing(s), as well as any digital or audio recordings of prior hearing(s). Please include ALL calendar and case note records maintained by any EOIR digital

systems, including screen shots of databases from which information on Mr. Silvestre is stored. The time frame for this request is 1/1/1996 to present.” Ex. A (Santiago Decl.) ¶ 19; Answer ¶ 75.

Response: Admit.

26. The agency did not issue a determination, produce records, or otherwise respond to the properly submitted expedited request prior to the filing of the lawsuit. Stevens Decl. ¶¶68-70; Santiago Decl. ¶ 22-26; Answer ¶¶78-80.

Response: Admit.

[EOIR] – August 2021 Archie Request

27. On August 16, 2021, Stevens submitted a FOIA request to EOIR seeking “all system records and other items maintained, produced, or distributed by EOIR on Christopher Archie, A#018-658-496, DOB [here Stevens provided Archie’s birth date]. This includes the record of proceedings for hearing(s), the case management interface outputs, as well as digital or audio recordings of hearing(s) and any email or other communications about his case. The time frame of this request is 1980 to the present.” Ex. A (Santiago Decl.) ¶ 27; Answer ¶86.

Response: Admit.

28. The agency did not issue a determination, produce records, or otherwise respond to the properly submitted FOIA request prior to the filing of the lawsuit. (Santiago Decl.) ¶ 34; (Stevens Decl.) ¶¶74-77; Answer ¶¶89-92.

Response: Admit.

[EOIR] – March 2022 Hoang Request

29. On March 10, 2022, Stevens submitted a FOIA request to EOIR seeking “all system records and other items maintained, produced, or distributed by EOIR pertaining to Toan Hoang. His ‘alien number’ is 025-105-060. He was born in Vietnam on [here Stevens provided Hoang’s birth date]. This request includes but is not limited to all memoranda, notes, reports, email messages, and all other system records or communications associated with or pertaining to Mr. Hoang generated or received by EOIR. This also includes the record of proceedings for his immigration hearing(s), as well as any digital or audio recordings of prior hearing(s). Please include ALL calendar and case note records maintained by any EOIR digital systems. The time frame of this request is January 1, 1995 to the present.” Ex. A (Santiago Decl.) ¶ 35; Answer ¶81.

Response: Admit.

30. The agency did not issue a determination, produce records, or otherwise respond to the properly submitted expedited request prior to the filing of the lawsuit. Santiago Decl. ¶ 40; Answer ¶84.

Response: Dispute; Stevens never requested expedited processing for this request. Ex. C (Stevens’s Hoang Request to EOIR) (“Expedited Processing: no”).

[EOIR] – August 2022 Charpentier Request

31. On August 18, 2022, Stevens submitted a FOIA request to EOIR seeking “All system records and other items maintained, produced, or distributed by EOIR pertaining to Pascal Charpentier, including but not limited to the Record of Proceedings, including all audio recordings. His date of birth is [here Stevens provided Charpentier’s birth date]. His country of birth is Germany but ICE has stated in error it is Haiti. His ‘alien’ number was 029001711, and in 2016 he was given this number: 020578103. This request includes but is not limited to all memoranda, notes, reports, email messages, and all other system records or communications associated with or pertaining to Mr. Charpentier generated or received by EOIR. Please include ALL calendar and case note records maintained by any EOIR digital systems. The time frame for this request is January 1, 1972 to August 18, 2022.” Ex. A & Santiago Decl. ¶ 41; Answer ¶ 97.

Response: Admit.

32. The agency did not issue a determination required by the statute, produce records, or otherwise respond to the properly submitted expedited request prior to the filing of the lawsuit. Santiago Decl. ¶¶ 46-48; Stevens Decl. ¶¶ 79-81.

Response: Dispute. EOIR granted expedited processing on October 6, 2022, and EOIR released the responsive records within 5 and 13 days of granting expedited processing (on October 11 and 19). *See* Santiago Decl. ¶ 44-45, 47-48 (Dkt. 41 at 23-24 of 127).

Respectfully submitted,

MORRIS PASQUAL
Acting United States Attorney

By: s/ Alex Hartzler
ALEX HARTZLER
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 886-1390
alex.hartzler@usdoj.gov

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JACQUELINE STEVENS,)
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Plaintiff,)
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v.) No. 22 C 5072
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UNITED STATES DEPARTMENT OF) Judge Kennelly
HEALTH AND HUMAN SERVICES, *et al.*,)
)
Defendants.)

**INDEX OF EXHIBITS TO DEFENDANTS'
RESPONSE TO PLAINTIFF'S STATEMENT OF FACTS**

Exhibit A	HHS production letters
Exhibit B	June 6 and October 26, 2022 CBP letters
Exhibit C	Stevens's Hoang Request to EOIR

Respectfully submitted,

MORRIS PASQUAL
Acting United States Attorney

By: s/ Alex Hartzler
ALEX HARTZLER
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 886-1390
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Exhibit A



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201

Request No. 2020-00435-FOIA-OS
Request No. 2020-00316-FOIA-OS
Jacqueline Stevens v. HHS et al, Civil No. 22-cv-05072

December 20, 2022

Sent via email:

Ms. Jacqueline Stevens
Northwestern University
Political Science Department
601 University Place
Evanston, IL 60208
Via email: drc@northwestern.edu

Dear Ms. Stevens:

This letter is the 1st interim response to the above-referenced Freedom of Information Act (FOIA) requests submitted to the U.S. Department of Health and Human Services (HHS). Specifically, you requested:

Records tied to the hiring, transfers, and scope of work performed by Lauren Underwood at HHS.

- 1) All position announcements associated with any jobs she held at HHS.
- 2) All reports, memorandums, or analyses she produced, including but not limited to her work on Ebola and other emergency public health matters.
- 3) All travel itineraries.
- 4) All expense reports.

The time frame of this request is January 1, 2010 to January 22, 2017.

For this release, the Department processed 630 pages of potentially responsive records captured in the agency's search for this FOIA request. After a careful review of these pages, 408 pages were deemed not responsive to the subject of your request. Ninety-six pages were duplicate copies of resumes, SF-50s and blank pages. I have determined to release 58 pages to you in full. I am releasing 68 pages, in part, with portions redacted pursuant to Exemptions (b)(6) of the FOIA (5 U.S.C. §§ 552).

FOIA exemption (b)(6) permits a federal agency to withhold information and records about individuals in "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The definition of "similar files" has historically been broadly interpreted to include a wide variety of files, and the United States Supreme Court has held that Congress intended the term "similar files" to be interpreted broadly, rather than narrowly. In this case, the information withheld consists of personal or undisclosed email addresses, cell phone numbers and other personal information.

I have analyzed these records and find they meet the threshold requirements of these exemptions. Additionally, I have reviewed and weighed the public interest in disclosure of this information against the privacy interest in nondisclosure and found that the privacy interest outweighs the public's interest in disclosure.

We will continue to review the remaining records as efficiently and expeditiously as possible, consistent with our available resources and the Order of the Court. Should you have questions or concerns regarding the Department's response and/or the processing of your request, any such issues should be communicated to your legal counsel and the Department of Justice Attorney representing the Department in this matter.

Sincerely yours

A handwritten signature in cursive script that reads "Alesia Y. Williams".

Alesia Y. Williams
Director, FOIA Appeals and Litigation
FOI/Privacy Acts Division

Enclosures: 126 pages



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Assistant Secretary for Public Affairs
Washington, D.C. 20201

Request No. 2020-00435-FOIA-OS
Request No. 2020-00316-FOIA-OS
Jacqueline Stevens v. HHS et al, Civil No. 22-cv-05072

January 20, 2023

Sent via email:

Ms. Jacqueline Stevens
Northwestern University
Political Science Department
601 University Place
Evanston, IL 60208
Via email: drc@northwestern.edu

Dear Ms. Stevens:

This letter is the 2nd interim response to the above-referenced Freedom of Information Act (FOIA) requests submitted to the U.S. Department of Health and Human Services (HHS). Specifically, you requested:

Records tied to the hiring, transfers, and scope of work performed by Lauren Underwood at HHS.

- 1) All position announcements associated with any jobs she held at HHS.
- 2) All reports, memorandums, or analyses she produced, including but not limited to her work on Ebola and other emergency public health matters.
- 3) All travel itineraries.
- 4) All expense reports.

The time frame of this request is January 1, 2010 to January 22, 2017.

For this release, the Department processed 708 pages of potentially responsive records captured in the agency's search for this FOIA request. Of these pages, 637 were not relevant to your request and consisted of coordination documents received for comment and not related to the subject of your request, unsent messages, and blank pages. I am releasing 22 pages in their entirety, and providing 49 pages in part, with portions redacted, pursuant to Exemption (b)(6) of the FOIA (5 U.S.C. §552 (b)(6)).

FOIA exemption (b)(6) permits a Federal agency to withhold information and records about individuals in "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The definition of "similar files" has historically been broadly interpreted to include a wide variety of files, and the United States Supreme Court has held that Congress intended the term "similar files" to be interpreted broadly, rather than narrowly. I have analyzed these records and find they meet the threshold requirement of this exemption. Additionally, I have reviewed and weighed the public interest in disclosure of

this information against the privacy interest in nondisclosure and found that the privacy interest outweighs the public's interest in disclosure. The redacted portions include home addresses and phone numbers, credit card account numbers and other personal information.

We will continue to review the remaining records as efficiently and expeditiously as possible, consistent with the terms of the joint status report and our available resources. Should you have questions or concerns regarding the Department's response and/or the processing of your request, any such issues should be communicated to your legal counsel and Department of Justice Attorney representing the Department in this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Alesia Y. Williams".

Alesia Y. Williams
Director, FOIA Appeals and Litigations
FOI/Privacy Act Division

Enclosure: 71 pages



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Assistant Secretary for Public Affairs
Washington, D.C. 20201

Request No. 2020-00435-FOIA-OS
Request No. 2020-00316-FOIA-OS
***Jacqueline Stevens v. HHS et al*, Civil No. 22-cv-05072**

February 20, 2023

Sent via email:

Ms. Jacqueline Stevens
Northwestern University
Political Science Department
601 University Place
Evanston, IL 60208
Via email: drc@northwestern.edu

Dear Ms. Stevens:

This letter is the 3rd interim response to the above-referenced Freedom of Information Act (FOIA) requests submitted to the U.S. Department of Health and Human Services (HHS). Specifically, you requested:

Records tied to the hiring, transfers, and scope of work performed by Lauren Underwood at HHS.

- 1) All position announcements associated with any jobs she held at HHS.
- 2) All reports, memorandums, or analyses she produced, including but not limited to her work on Ebola and other emergency public health matters.
- 3) All travel itineraries.
- 4) All expense reports.

The time frame of this request is January 1, 2010 to January 22, 2017.

For this release, the Department processed 564 pages of potentially responsive records captured in the agency's search for this FOIA request. Of these pages, 562 were not relevant to your request and consisted of briefing documents sent from the Office of the Executive Secretariat to the entire organization, coordination documents received for comment, unsent messages, and blank pages. I am releasing 2 pages in their entirety.

We will continue to review the remaining records as efficiently and expeditiously as possible. Should you have questions or concerns regarding the Department's response and/or the processing of your request, any such issues should be communicated to your legal counsel and Department of Justice Attorney representing the Department in this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Alesia Y. Williams".

Alesia Y. Williams
Director, FOIA Appeals and Litigations
FOI/Privacy Act Division

Enclosure: 2 pages



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Assistant Secretary for Public Affairs
Washington, D.C. 20201

Request No. 2020-00435-FOIA-OS
Request No. 2020-00316-FOIA-OS
Jacqueline Stevens v. HHS et al, Civil No. 22-cv-05072

March 20, 2023

Ms. Jacqueline Stevens
Northwestern University
Political Science Department
601 University Place
Evanston, IL 60208
Via email: drc@northwestern.edu

Dear Ms. Stevens:

This letter is the 4th interim response to the above-referenced Freedom of Information Act (FOIA) requests submitted to the U.S. Department of Health and Human Services (HHS). Specifically, you requested:

Records tied to the hiring, transfers, and scope of work performed by Lauren Underwood at HHS.

- 1) All position announcements associated with any jobs she held at HHS.
- 2) All reports, memorandums, or analyses she produced, including but not limited to her work on Ebola and other emergency public health matters.
- 3) All travel itineraries.
- 4) All expense reports.

The time frame of this request is January 1, 2010 to January 22, 2017.

For this release, the Department processed 574 pages of potentially responsive records captured in the agency's search for this FOIA request. After careful review, I determine none of these pages were relevant to your request and consisted of documents sent to the entire organization, coordination documents received for comment, and supporting documents for conference calls and staff briefings. None of these documents were produced by Ms. Underwood or sent to her exclusively.

We will continue to review the remaining records as efficiently and expeditiously as possible. Should you have questions or concerns regarding the Department's response and/or the processing of your request, any such issues should be communicated to your legal counsel and Department of Justice Attorney representing the Department in this matter.

Sincerely yours,

Alesia Y. Williams

Alesia Y. Williams
Director, FOIA Appeals and Litigation
FOI/Privacy Act Division



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Assistant Secretary for Public Affairs
Washington, D.C. 20201

Request No. 2020-00435-FOIA-OS
Request No. 2020-00316-FOIA-OS
***Jacqueline Stevens v. HHS et al*, Civil No. 22-cv-05072**

April 20, 2023

Ms. Jacqueline Stevens
Northwestern University
Political Science Department
601 University Place
Evanston, IL 60208
Via email: drc@northwestern.edu

Dear Ms. Stevens:

This letter is the 5th interim response to the above-referenced Freedom of Information Act (FOIA) requests submitted to the U.S. Department of Health and Human Services (HHS). Specifically, you requested:

Records tied to the hiring, transfers, and scope of work performed by Lauren Underwood at HHS.

- 1) All position announcements associated with any jobs she held at HHS.
- 2) All reports, memorandums, or analyses she produced, including but not limited to her work on Ebola and other emergency public health matters.
- 3) All travel itineraries.
- 4) All expense reports.

The time frame of this request is January 1, 2010 to January 22, 2017.

For this release, the Department processed 871 pages of potentially responsive records captured in the agency's search for this FOIA request. After careful review, I determine 863 pages were relevant to your request and consisted of documents sent to the entire organization, coordination documents received for comment, and other supporting documents. None of these documents were produced by Ms. Underwood or sent to her exclusively. I am releasing two pages in their entirety and three pages are disclosed in part with portions redacted pursuant to Exemption (b)(6) of the FOIA (5 U.S.C. §§ 552).

FOIA exemption (b)(6) permits a federal agency to withhold information and records about individuals in "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The definition of "similar files" has historically been broadly interpreted to include a wide variety of files, and the United States Supreme Court has held that Congress intended the term "similar files" to be interpreted broadly, rather than narrowly. In this case, the information withheld consists of personal or undisclosed email addresses, cell phone numbers and other personal information.

We will continue to review the remaining records as efficiently and expeditiously as possible. Should you have questions or concerns regarding the Department's response and/or the processing of your request, any such issues should be communicated to your legal counsel and Department of Justice Attorney representing the Department in this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Alesia Y. Williams".

Alesia Y. Williams
Director, FOIA Appeals and Litigations
FOI/Privacy Act Division

Enclosure: 5 pages



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Assistant Secretary for Public Affairs
Washington, D.C. 20201

Request No. 2020-00435-FOIA-OS
Request No. 2020-00316-FOIA-OS
***Jacqueline Stevens v. HHS et al*, Civil No. 22-cv-05072**

May 20, 2023

Ms. Jacqueline Stevens
Northwestern University
Evanston, IL 60208
Via email: drc@northwestern.edu

Dear Ms. Stevens:

This letter is the 6th interim response to the above-referenced Freedom of Information Act (FOIA) requests submitted to the U.S. Department of Health and Human Services (HHS). Specifically, you requested:

Records tied to the hiring, transfers, and scope of work performed by Lauren Underwood at HHS.

- 1) All position announcements associated with any jobs she held at HHS.
- 2) All reports, memorandums, or analyses she produced, including but not limited to her work on Ebola and other emergency public health matters.
- 3) All travel itineraries.
- 4) All expense reports.

The time frame of this request is January 1, 2010 to January 22, 2017.

For this release, the Department processed 504 pages of potentially responsive records captured in the agency's search. After careful review, I determined none were relevant to your request. None of these documents were produced by Ms. Underwood or sent to her exclusively.

We will continue to review the remaining records as efficiently and expeditiously as possible. Should you have questions or concerns regarding the Department's response and/or the processing of your request, any such issues should be communicated to your legal counsel and Department of Justice Attorney representing the Department in this matter.

Sincerely yours,

Alesia Y. Williams

Alesia Y. Williams
Director, FOIA Appeals and Litigations
FOI/Privacy Act Division



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Assistant Secretary for Public Affairs
Washington, D.C. 20201

Request No. 2020-00435-FOIA-OS
Request No. 2020-00316-FOIA-OS
Jacqueline Stevens v. HHS et al, Civil No. 22-cv-05072

June 20, 2023

Ms. Jacqueline Stevens
Northwestern University
Evanston, IL 60208
Via email: drc@northwestern.edu

Dear Ms. Stevens:

This letter is the 7th interim response to the above-referenced Freedom of Information Act (FOIA) requests submitted to the U.S. Department of Health and Human Services (HHS). Specifically, you requested:

Records tied to the hiring, transfers, and scope of work performed by Lauren Underwood at HHS.

- 1) All position announcements associated with any jobs she held at HHS.
- 2) All reports, memorandums, or analyses she produced, including but not limited to her work on Ebola and other emergency public health matters.
- 3) All travel itineraries.
- 4) All expense reports.

The time frame of this request is January 1, 2010, to January 22, 2017.

For this release, the Department processed 502 pages of potentially responsive records captured in the agency's search. After careful review, I determined 459 pages were not relevant to your request. Eight pages were sent to other offices for disclosure review and will be sent to you when the review is completed. Twenty-eight pages are released in their entirety and 7 pages are disclosed in part with portions redacted pursuant to Exemption (b)(6) of the FOIA (5 U.S.C. §§ 552).

FOIA exemption (b)(6) permits a federal agency to withhold information and records about individuals in "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The definition of "similar files" has historically been broadly interpreted to include a wide variety of files, and the United States Supreme Court has held that Congress intended the term "similar files" to be interpreted broadly, rather than narrowly. In this case, the information withheld consists of personal or undisclosed email addresses, cell phone numbers and other personal information.

We will continue to review the remaining records as efficiently and expeditiously as possible. Should you have questions or concerns regarding the Department's response and/or the processing of your request, any such issues should be communicated to your legal counsel and Department of Justice Attorney representing the Department in this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Alesia Y. Williams".

Alesia Y. Williams
Director, FOIA Appeals and Litigation
FOI/Privacy Act Division

Enclosure: 35 pages

Exhibit B

Jacqueline Stevens

601 University Pl., 2d Floor Political Science
Evanston, IL, 60208

06/06/2022

CBP-2022-080126

Dear Jacqueline Stevens:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 05/18/2022 for Toan Hoang. Specifically, you requested This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, for all system records and other items maintained, produced, or distributed by CBP pertaining to Toan Hoang. His "alien number" is 025-105-060. He was born in Vietnam on [REDACTED]. Information responsive to this request includes but is not limited to: (1) all memoranda, notes, reports, email messages, and all other system records or communications associated with or pertaining to Mr. Hoang generated or received by CBP and; (2) screen shots of all databases likely to have responsive records. The time frame of this request is March 29, 1977 to the present. Mr. Hoang has signed a waiver, including a certificate of identity, allowing me to receive these records. Please find a copy of this waiver attached. . Please use the following unique FOIA tracking number CBP-2022-080126 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://www.foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5, 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5, 5.5(c).

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notices/foia>.

Sincerely,

U.S. Customs and Border Protection

Jacqueline Stevens
601 University Pl., 2d Floor Political Science
Evanston, IL, 60208

10/26/2022

CBP-2022-080126

Dear Jacqueline Stevens,

This is a final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) on behalf of your client/relative, requesting CBP maintained records.

We conducted a comprehensive search of files within the CBP databases for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records, based upon the information you provided in your request.

Note: CBP does not have complete records of apprehensions made by Border Patrol before 2000. Records of apprehensions made by Border Patrol before 2000 may be available in the A-File maintained by USCIS.

This completes the CBP response to your request. You may contact CBP's FOIA Public Liaison, Charlyse Hoskins, by sending an email via your FOIAonline account, mailing a letter to 90 K St, NE MS 1181, Washington DC, 20229 or by calling 202-325-0150. The FOIA Public Liaison is able to assist in advising on the requirements for submitting a request, assist with narrowing the scope of a request, assist in reducing delays by advising the requester on the type of records to request, suggesting agency offices that may have responsive records and receive questions or concerns about the agency's FOIA process. Please notate file number CBP-2022-080126 on any future correspondence to CBP related to this request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with the response to this request, you have a right to appeal the final disposition. Should you wish to do so, you must file your appeal within 90 days of the date of this letter following the procedures outlined in the DHS regulations at Title 6 C.F.R. §5.8. Please include as much information as possible to help us understand the grounds for your appeal. You should submit your appeal via FOIAonline by clicking on the "Create Appeal" button that appears when you view your initial request. If you do not have a FOIAonline account, you must send your appeal and a copy of this letter to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia. Additional information can be found at the following link https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/definitions-exemptions-foia_0.pdf.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

U.S. Customs and Border Protection

Exhibit C

FOIA Request 342461

The following list contains the entire submission submitted March 10, 2022 02:30:02pm ET, and is formatted for ease of viewing and printing.

Contact information

First name	Jacqueline
Last name	Stevens
Mailing Address	601 University Place, 2d Floor Political Science Department
City	Evanston
State/Province	IL
Postal Code	60208
Country	United States
Phone	847-467-2093
Company/Organization	Deportation Research Clinic
Email	jacqueline-stevens@northwestern.edu

Request

Request ID	342461
Confirmation ID	341936

Request description	<p>This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for all system records and other items maintained, produced, or distributed by EOIR pertaining to Toan Hoang. His “alien number” is 025-105-060. He was born in Vietnam on [REDACTED]. This request includes but is not limited to all memoranda, notes, reports, email messages, and all other system records or communications associated with or pertaining to Mr. Hoang generated or received by EOIR. This also includes the record of proceedings for his immigration hearing(s), as well as any digital or audio recordings of prior hearing(s). Please include ALL calendar and case note records maintained by any EOIR digital systems. The time frame of this request is January 1, 1995 to the present.</p>
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Supporting documentation

Additional Information	Hoang_Waiver.pdf
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Fees

Request category ID educational

Fee waiver yes

As a scholar, blogger, and a writer on immigration law enforcement, I am entitled to a waiver of duplication fees because disclosure of this information is in the public interest within the meaning of 5 U.S.C. § 552(a)(4)(A)(iii). The disclosure of this information is “likely to contribute significantly to public understanding of the operations or activities of the government” and is “not primarily in the commercial interest of the requester.” I am requesting a fee waiver as I am using this information for my teaching, research, and journalism and am not seeking these records for financial gain. I am a Professor at

Explanation Northwestern University and engage in research on the unlawful detention and deportation of United States citizens, such as Mr. Hoang. My work has been published in The New York Times and The New Yorker, among other publications. You can find my original work here: <https://www.nytimes.com/2018/04/04/opinion/migrants-detention-forced-labor.html> and <http://stateswithoutnations.blogspot.com/> and you can find my research cited in these publications: <https://reason.com/2017/11/12/how-immigration-crackdowns-scr/> and <https://www.wnyc.org/story/history-and-practice-immigration-detention/>.

Willing to pay 25.00

Expedited processing

Expedited Processing no

Additional information

case_files 025-105-060