



U.S. Immigration
and Customs
Enforcement

March 25, 2016

R. Andrew Free
Bank of America Plaza
414 Union Street, Suite 900
Nashville, TN 37219

**RE: *Stevens v. DHS* (N.D. Ill. 14-cv-3305)
FOIA Case Number 2013FOIA32547 (Detainee Volunteer Wages)**

Dear Mr. Free:

This letter is the twentieth interim release in response to the ongoing Freedom of Information Act (FOIA) litigation between Jacqueline Stevens and U.S. Immigration and Customs Enforcement (ICE), relating to FOIA requests submitted by your client regarding, in part, ICE's detention facilities. This release is in response to your August 24, 2013, FOIA request seeking records pertaining to Detainee Volunteer Wages.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

This release consists of 550 pages of records located pursuant to a search of the ICE Office of the Chief Financial Officer (OCFO) and the Office of Acquisition Management. After review of those records, ICE has determined that portions of those pages will be withheld pursuant to FOIA Exemptions, (b)(4), (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA as described below.

ICE has applied Exemption 4 to protect from disclosure financial information for services provided under contract.

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public. ICE has reviewed the responsive documents and relevant case law, and has 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 Exemption 5 to protect from disclosure intra-agency documents that contain the recommendations, opinions, and conclusions of agency employees. The disclosure of these communications would discourage the expression of candid opinions and inhibit the free and

frank exchange of information and opinions among agency personnel on important agency decision-making by having a chilling effect on the agency's deliberative process.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I have determined that portions of the responsive documents qualify for protection under the deliberative process privilege, the attorney-client privilege, and the attorney work-product privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The attorney work-product privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

ICE has applied Exemptions (b)(6) and (b)(7)(C) of the FOIA to protect from disclosure, in part, the names, phone numbers, email addresses, and other personally identifiable information of ICE employees and contractor employees. Further ICE applied Exemptions (b)(6) and (b)(7)(C) to the names and A-file numbers of ICE detainees and to the names and addresses of other third parties.

FOIA Exemption (b)(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 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 (b)(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 particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of

R. Andrew Free
Stevens v. DHS (N.D. Ill. 14-cv-3305)
Page 3

information that identifies third parties in law enforcement records is ordinarily appropriate. As such, ICE has determined that the privacy interest in the identities of 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.

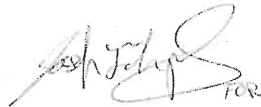
ICE has applied FOIA Exemption 7(E) to protect from disclosure internal agency case numbers contained within the document.

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.

ICE is continuing to process records that are potentially responsive to your request, and will release those records to you on a rolling basis.

If you have any questions about this letter, please contact Assistant United States Attorney Prashant Kolluri at (312) 886-9085.

Sincerely,

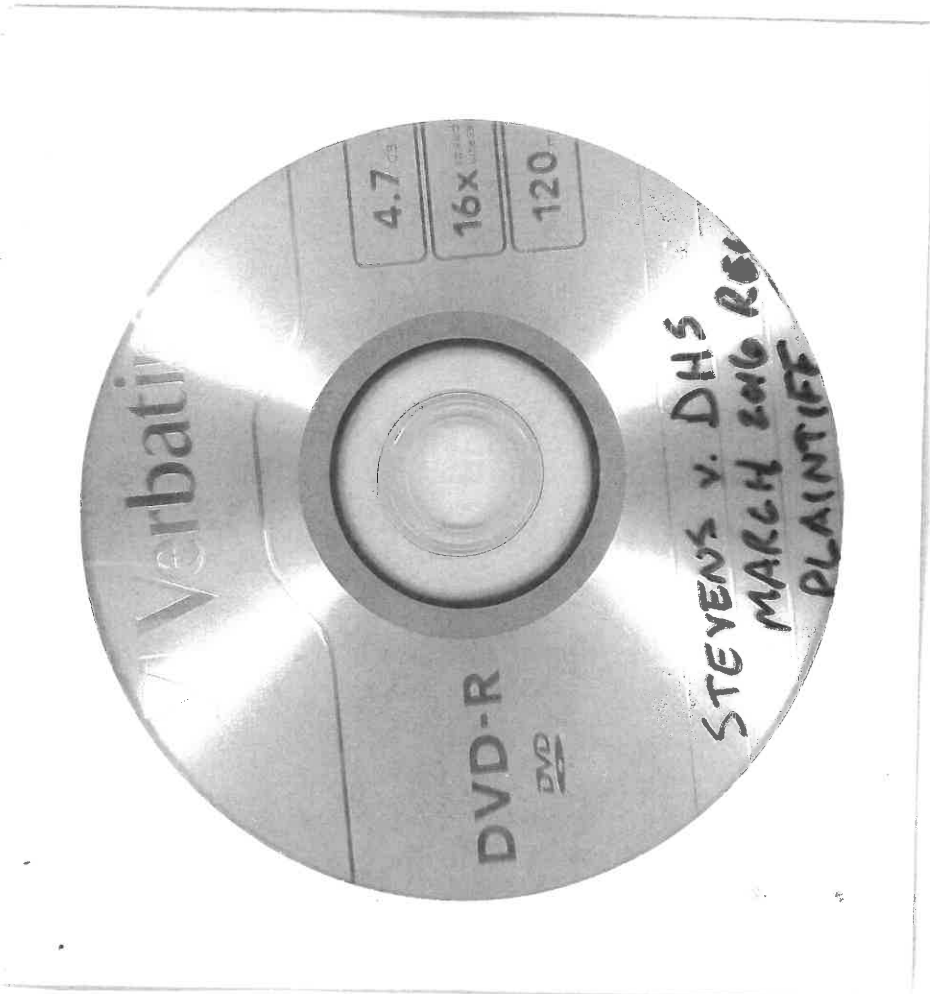
A handwritten signature in black ink, appearing to read 'Catrina M. Pavlik-Keenan', with a small '100' written below it.

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s): 550 pages

STEVENS
MARCH 2006
RECORDING

10/10/06



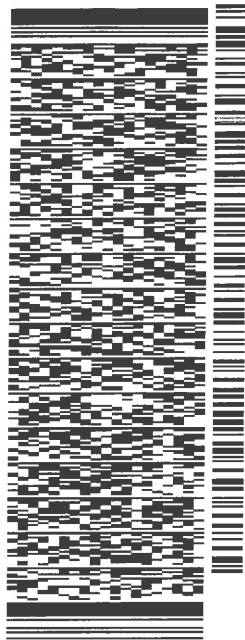
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WASHINGTON, DC 20536
UNITED STATES US

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ACTWT: 0.25 LB
CAD: 103960514INMET3730
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TO **R ANDREW FREE**

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NASHVILLE TN 37219**

(615) 244-2202 REF: STEVEN V DHS: 2015-ICL100026
INV. DEPT:



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