

## Freedom of Information Act Activity for the Week of February 19 - 25, 2015

Privacy Office

March 2, 2015

### Weekly Freedom of Information Act Report

#### I. Efficiency and Transparency—Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and Freedom of Information Act related items:

- On February 20, 2015, the Department of Homeland Security (DHS) launched a new webpage to be used to check the status of Freedom of Information Act requests. From this webpage, requesters are able to type in their request number to retrieve the current status of their request. This feature works for any request submitted to: (1) the DHS Privacy Office; (2) the Office of Intelligence and Analysis (I&A); (3) the Federal Emergency Management Agency (FEMA); (4) the National Protection and Programs Directorate (NPPD); (5) the Science and Technology Directorate (S&T); (6) U.S. Immigration and Customs Enforcement (ICE); and (7) the Transportation Security Administration (TSA). The Check Status webpage can be found at <http://www.dhs.gov/foia-status> and is also linked to the main DHS Freedom of Information Act webpage ([www.dhs.gov/foia](http://www.dhs.gov/foia)).
- On February 24, 2015, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE Freedom of Information Act Library under the Secure Communities Statistics menu the Secure Communities Nationwide Interoperability Statistics - Year to Date Fiscal Year 2015 replacing the previous version (58 pages).

#### II. Freedom of Information Act Requests

- On February 19, 2015, **Matt Howerton**, a reporter with **KOAT** in Albuquerque, New Mexico, requested from the Transportation Security Administration (TSA) records pertaining to contraband seized at TSA security checkpoints at the Albuquerque International Sunport in 2014. (Case Number TSA 2015-TSFO-00122.)
- On February 19, 2015, **Sean Dunagan**, a representative with **Judicial Watch** in Washington, DC, requested from the Transportation Security Administration (TSA) records pertaining to contract number HSTS0212CTWE026 awarded to Entereza, Inc. to assist TSA's Office of Civil Rights and Liberties with the development of a cultural/religious awareness training program. (Case Number TSA 2015-TSFO-00125.)
- On February 23, 2015, **Ian Smith**, a representative with the **Federation for Immigration Reform** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to: (1) Deferred Action for Childhood Arrivals; (2) Deferred Action to Parents of American and Lawful Permanent Residents; and (3) financial costs regarding the adjudication of asylum applications filed by Unaccompanied Alien Children from fiscal years 2012 through 2014. (Case Number 2015-HQFO-00266.)
- On February 23, 2015, **Anderson Muse**, an individual in Denver, Colorado, requested from the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) a copy of a DHS assessment regarding the threat



the Sovereign Citizen movement poses to the U.S. (Case Number I&A 2015-IAFO-0081.)

- On February 24, 2015, **Michel Marizco**, a producer with **KVOA NEWS 4** in Tucson, Arizona requested from U.S. Customs and Border Protection (CBP) records pertaining to employee applications and/or polygraph tests that resulted in referrals to other law enforcement agencies from October 1, 2006, through February 20, 2015. (Case Number CBP-2015-019832.)
- On February 25, 2015, **Claire Vinocur**, a representative with the **Democratic National Committee** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) records of communication with Governor Scott Walker (R-WI) as Governor of Wisconsin, Milwaukee County Executive, and as a member of the Wisconsin State Assembly from 1993 through the present; and (2) Freedom of Information Act requests pertaining to Governor Walker. (Case Number OIG 2015-103.)

#### Late requests

- On January 13, 2015, **Jack Clark**, a journalist with **Bloomberg** in San Francisco, California, requested from the United States Coast Guard (USCG) records of correspondence pertaining to the Magnet Program CG-262 in 2014 for contract number HSCG2314CRJ6006. (Case Number USCG 2015-CGFO-00767.)
- On January 13, 2015, **Diana Moskovitz**, a reporter with **Deadspin** in New York, New York, requested from the United States Coast Guard (USCG) records pertaining to the search and rescue of (b)(6) from January 7, 2015, through January 8, 2015. (Case Number USCG 2015-CGFO-00770.)
- On January 15, 2015, **Edward Lawrence**, a reporter with **ABC Action News** in Tampa, Florida, requested from the United States Coast Guard (USCG) a copy of the report pertaining to the incident on November 4, 2014, involving the Kennedy Boulevard Bridge in Tampa, Florida. (Case Number USCG 2015-CGFO-00808.)
- On January 29, 2015, **Jeff Elder**, a reporter with **The Wall Street Journal** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) four specific e-mails pertaining to Congressman Frank Wolf (R-VA) as identified in Case Number ICE 2012FOIA 09646. (Case Number ICE 2015-ICFO-70108.)
- On January 30, 2015, **Charles Ross**, a reporter with **The Daily Caller** in Wichita, Kansas, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the purchase, use, and/or provision of drugs and medications provided to transgender detainees in ICE custody for fiscal years 2013 through 2015. (Case Number ICE 2015-ICFO-69358.)
- On January 30, 2015, **Devlin Barrett**, a reporter with **The Wall Street Journal** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to any meetings with potential contractors, including but not limited to PlateScan, Inc. from January 1, 2007, through December 31, 2010, regarding the use of Automatic License Plate Readers at or near gun shows or commercial establishments. (Case Number ICE 2015-ICFO-69525.)



- On February 3, 2015, **Kate Bailey**, a representative with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to questions that immigration agents have been instructed to ask illegal immigrants to determine whether such individuals qualify for lenient treatment. (Case Number ICE 2015-ICFO-69918.)
- On February 5, 2015, **Morgan Carlston**, an independent journalist with **Mashable** in Santa Rosa, California, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the detention of Richard Lloyd at John F. Kennedy International Airport and the search of his home in October 2010. (Case Number ICE 2015-ICFO-69706.)
- On February 6, 2015, **Ginger McCall**, Director, Open Government with the **Electronic Privacy Information Center** in Washington, DC, requested from the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) the following records pertaining to the Future Attribute Screening Technology project: (1) requests for proposals, contracts, grant allocations, and statements of work for performing field-testing operations; (2) technical specifications for data retention from sensors (and combinations of sensors) deployed in field-testing; (3) recordings of any testing of these technologies since December 13, 2011; and (4) records pertaining to future field-testing of these technologies. (Case Number S&T 2015-STFO-027.)
- On February 10, 2015, **Evan Allen**, a reporter with the **Boston Globe** in Boston, Massachusetts, requested from the United States Coast Guard (USCG) a copy of the service records and disciplinary actions for the following individuals: (1) the late Petty Officer (b)(6) (2) (b)(6) and (3) Petty Officer (b)(6) (Case Number USCG 2015-CGPA-00064.)
- On February 10, 2015, **Christine Willmsen**, a reporter with the **Seattle Times** in Seattle, Washington, requested from the Transportation Security Administration (TSA) records pertaining to the reasons to discontinue or failure to renew contract number HSCEAM-05-C-00049 with Bellevue Indoor Range or Wade's Eastside Guns. (Case Number TSA 2015-TSFO-00128.)
- On February 11, 2015, **Joseph Geha**, a reporter with **1590 KLIV News Radio** in San Jose, California, requested from the Transportation Security Administration (TSA) records pertaining to perimeter fence breaches at the following airports: (1) Mineta San Jose International Airport; (2) Oakland International Airport; and (3) San Francisco International Airport. (Case Number TSA 2015-TSFO-00130.)
- On February 11, 2015, **Amanda Newell**, an assignment desk editor with **KOB Eyewitness News 4** in Albuquerque, New Mexico, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) records pertaining to the blasting of windows at the US Bankruptcy Court in Albuquerque, New Mexico on February 11, 2015. (Case Number NPPD 2015-NPFO-00158.)
- On February 12, 2015, **Micheal Bekesha**, a representative with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) records sent in response to the 10 questions posed by Senator Chuck Grassley (R-IA), Senator Ron Johnson (R-WI), and Senator Jeff Sessions (R-AL) in a January 22, 2015 letter sent to Joseph Moore, Chief Financial Officer, United States

Citizenship and Immigration Services (USCIS) regarding Deferred Action for Childhood Arrivals and Deferred Action to Parents of American and Lawful Permanent Residents. (Case Number 2015-HQFO-00256.)

- On February 18, 2015, **Megan Wilson**, a reporter with *The Hill* in Washington, DC, requested from the Department of Homeland Security (DHS) records of communications pertaining to the national interest determination regarding the Keystone XL pipeline from January 1, 2014, through February 2, 2015. (Case Number 2015-HQFO-00261.)

### III. Freedom of Information Act Releases

- On February 19, 2015, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **Alison Young**, a reporter with *USA Today* in McLean, Virginia, 26 pages of records pertaining to meeting minutes at Plum Island Animal Disease Center. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 4, 5, 6, and 7(F). (Case Number S&T 2015-STFO-016.)
- On February 19, 2015, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **Alison Young**, a reporter with *USA Today* in McLean, Virginia, 11 pages of records pertaining to laboratory incidents that occurred at Plum Island Animal Disease Center from January 1, 2013, through December 10, 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5, 6, and 7(F). (Case Number S&T 2015-STFO-017.)
- On February 23, 2015, the Department of Homeland Security (DHS) released to **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, six pages of records consisting of correspondence from DHS to Senator Patrick Leahy (D-VT) and Senator Chuck Grassley (R-IA) in response to the December 23, 2014 letter sent to Attorney General Eric Holder and Secretary Jeh Johnson regarding cell-site simulators. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5 and 6. (Case Number 2015-HQFO-00234.)
- On February 23, 2015, U.S. Customs and Border Protection (CBP) released to **Paul Birmingham**, a producer with *KVOA News 4* in Tucson, Arizona, data pertaining to the number of aircraft intercepted by Office of Air and Marine aircraft including ultralight aircraft that have been detected and/or intercepted crossing the U.S.-Mexico border from January 1, 2008, through January 1, 2014. These records were released in full. (Case Number CBP-2014-009618.)
- On February 25, 2015, U.S. Customs and Border Protection (CBP) released to **Mark Collette**, a reporter with the *Corpus Christi Caller-Times* in Corpus Christi, Texas, 22 pages of records containing statistics pertaining to unauthorized immigrant deaths reported by Border Patrol in Texas from January 1, 2005, through February 5, 2015. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-2013-028152.)
- On February 25, 2015, U.S. Customs and Border Protection (CBP) released to **Brock Hires**, a reporter with the *Omak Chronicle* in Omak, Washington, one



page of records containing statistics regarding seizures and crossing data for Okanogan and Ferry Counties. These records were released in full. (Case Number CBP-2015-014593.)

- On February 25, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Jackie Stevens**, a professor with **Northwestern University** in Evanston, Illinois, eight Excel spreadsheets and 109 pages of records consisting of policies and e-mails pertaining to claims of U.S. citizenship by aliens. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5, 6, 7(C), and 7(E). (Case Number ICE 2015-ICFO-00500.)
- On February 25, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Hudson Gill**, an attorney with **Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.** in Fort Lauderdale, Florida, 121 pages of records pertaining to the decision not to open an ICE detention facility in the Town of Southwest Ranches, Florida. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5, 6, 7(C), and 7(E). (Case Number ICE 2015-ICFO-00559.)
- On February 25, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Evans**, a representative with **The National Security Archive** in Washington, DC, one Excel spreadsheet containing statistical data pertaining to the number of Mexican nationals repatriated by the U.S. for fiscal years 2010 through 2013. These records were released in full. (Case Number ICE 2015-ICFO-00908.)
- On February 25, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Leslie Donaldson**, a reporter with **KTVU News Channel 2** in Oakland, California, two pages of records listing the number of alternative fuel and hybrid vehicles in the ICE fleet. These records were released in full. (Case Number ICE 2015-ICFO-00957.)
- On February 25, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Garance Burke**, a reporter with the **Associated Press** in San Francisco, California, one Excel spreadsheet containing statistical information pertaining to the number of unaccompanied minors detained by ICE, by facility. These records were released in full. (Case Number ICE 2015-ICFO-02815.)
- On February 25, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Kate Bailey**, a representative with **Judicial Watch** in Washington, DC, one page of records containing a listing of the number of administrative case closures for fiscal years 2012 through 2014. These records were released in full. (Case Number ICE 2015-ICFO-02940.)
- On February 25, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Annie Waldman**, a reporter with **ProPublica** in New York, New York, four pages of records pertaining to Enforcement and Removal Operations Field Offices involved in the Criminal Alien Removal Initiative. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number ICE 2015-ICFO-03259.)

#### IV. Freedom of Information Act Appeals

- NSTR

## **V. Freedom of Information Act Appeals Releases**

- NSTR

## **VI. Litigation**

- In the matter of *Judicial Watch v Department of Homeland Security* (D.D.C. 15-cv-00222), plaintiff filed a Freedom of Information Act request on July 14, 2014, seeking the following records: (1) a copy of the Department of Homeland Security (DHS), Office of Inspector General (OIG) report regarding a “hands off list” maintained by DHS, U.S. Customs and Border Protection (CBP), and/or U.S. Immigration and Customs Enforcement (ICE); and (2) any communications to and from former Deputy Inspector General Charles Edwards regarding the OIG report from May 31, 2013, through May 31, 2014. On February 13, 2015, plaintiff filed suit claiming constructive denial.
- In the matter of *Immigrant Defense Project, et al. v. Department of Homeland Security* (S.D.N.Y. 14-cv-06117), plaintiff filed a Freedom of Information Act request on October 17, 2013, seeking records pertaining to home-based enforcement operations. Plaintiff filed suit on August 5, 2014, claiming timely and substantive response. On February 19, 2015, U.S. Immigration and Customs Enforcement (ICE) released 2,000 pages of records.
- In the matter of *American Civil Liberties Union v. Department of Homeland Security* (S.D.N.Y. 11-cv-3786), plaintiffs filed a Freedom of Information Act request on January 13, 2009, seeking records regarding Post Order Custody Review. Plaintiffs filed suit on June 3, 2011, claiming constructive denial. Pursuant to the Court’s September 2013 order, U.S. Immigration and Customs Enforcement (ICE) and the plaintiffs are negotiating the scope of a sample production of the records. On February 20, 2015, ICE released 2,690 pages of sample Post Order Custody Review records.

## **Freedom of Information Act Exemptions**

**Exemption 1:** classified national defense and foreign relations information

**Exemption 2:** internal agency personnel rules and practices

**Exemption 3:** information that is prohibited from disclosure by another federal law

**Exemption 4:** trade secrets and other confidential business information

**Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges

**Exemption 6:** information involving matters of personal privacy

**Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual

**Exemption 8:** information relating to the supervision of financial institutions

**Exemption 9:** geological information on wells

## Freedom of Information Act Activity for the Week of February 26 – March 4, 2015

Privacy Office

March 9, 2015

### Weekly Freedom of Information Act Report

**I. Efficiency and Transparency**—Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and Freedom of Information Act related items:

- NSTR

### II. Freedom of Information Act Requests

- On February 26, 2015, **William Robinson**, a reporter with *Mail Online* in New York, New York, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to investigations into government-issued or government-owned computers/laptops/devices since January 1, 2013. (Case Number OIG 2015-104.)
- On March 2, 2015, **Eileen Sullivan**, a reporter with the *Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS), the Federal Law Enforcement Training Centers (FLETC), the Office of Inspector General (OIG), and the United States Citizenship and Immigration Services (USCIS) a copy of correspondence logs pertaining to Senator Rand Paul (R-KY) and his staff from January 1, 2011, through the present. (Case Numbers 2015-HQFO-00275, FLETC FOIA 15-038, OIG 2015-106, and USCIS COW2015000179.)
- On March 2, 2015, **John Greenewald, Jr.**, a freelance television producer with **The Black Vault** in Northridge, California, requested from the Federal Emergency Management Agency (FEMA) records pertaining to requests from any U.S. Department or Agency to activate the FEMA National Radio System from January 1, 2010, through March 2, 2015. (Case Number FEMA 2015-FEFO-00288.)
- On March 3, 2015, **George Myers**, a reporter with the *Kokomo Tribune* in Kokomo, Indiana, requested from the Federal Emergency Management Agency (FEMA) records of correspondence between FEMA and the Indiana Department of Homeland Security pertaining to Kokomo Municipal Stadium from May 1, 2014, through the present. (Case Number FEMA 2015-FEFO-00293.)
- On March 4, 2015, **Jeremy Berns**, a representative with the **Democratic National Committee** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) records of communication with Senator Marco Rubio (R-FL) or his offices from 1998 through the present; and (2) Freedom of Information Act requests pertaining to Senator Rubio. (Case Number OIG 2015-110.)
- On March 4, 2015, **Michael Kane**, a representative with the **Democratic National Committee** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) records of communication with Governor Chris Christie (R-NJ) or his



offices from 1987 through the present; and (2) Freedom of Information Act requests pertaining to Governor Christie. (Case Number OIG 2015-111.)

- On March 4, 2015, **Patrick Stranix**, a representative with the **Democratic National Committee** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) records of communication with former Governor Jeb Bush (R-FL) or his offices from 1974 through the present; and (2) Freedom of Information Act requests pertaining to former Governor Bush. (Case Number OIG 2015-112.)
- On March 4, 2015, **Eric Bennett**, a representative with the **Democratic National Committee** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) records of communication with Senator Ted Cruz (R-TX) or his offices from 1995 through the present; (2) Freedom of Information Act requests pertaining to Senator Cruz; (3) records of communication with former Governor Rick Perry (R-TX) or his offices from 1972 through the present; and (4) Freedom of Information Act requests pertaining to former Governor Perry. (Case Number OIG 2015-113.)
- On March 4, 2015, **Krystal Ramirez**, a representative with the **Democratic National Committee** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) records of communication with Governor Mike Pence (R-IN) or his offices from 1991 through the present; and (2) Freedom of Information Act requests pertaining to Governor Pence. (Case Number OIG 2015-114.)
- On March 4, 2015, **Tyler Kotkin**, a representative with the **Democratic National Committee** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) records of communication with Governor Bobby Jindal (R-LA) or his offices from 1996 through the present; and (2) Freedom of Information Act requests pertaining to Governor Jindal. (Case Number OIG 2015-115.)
- On March 4, 2015, **Kelly Roberts**, a representative with the **Democratic National Committee** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) records of communication with Senator Rand Paul (R-KY) or his offices from 1990 through the present; and (2) Freedom of Information Act requests pertaining to Senator Paul. (Case Number OIG 2015-116.)
- On March 4, 2015, **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) a copy of report number OIG 15-33, "Fiscal Year 2014 Evaluation of DHS' Compliance with Federal Information Security Management Act Requirements for Intelligence Systems." (Case Number OIG 2015-117.)

#### Late requests

- On January 8, 2015, **Craig Patrick**, a representative with **FoxTV** in Tampa, Florida, requested from the United States Coast Guard (USCG) a list of micro-

purchases made on government-issued purchase cards in 2013. (Case Number USCG 2015-CGFO-00819.)

- On January 29, 2015, **Gretchen Paine**, an attorney with **Perkins Coie, LLP** in Seattle, Washington, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the February 15, 2011 shooting attack on ICE Special Agent Jaime Zapata and Special Agent Victor Avila. (Case Number ICE 2015-ICFO-71838.)
- On February 10, 2015, **Betsy Lawrence**, Director with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the standard operating procedures and guidance for the adjudication of H-1B (Form I-129) nonimmigrant petitions. (Case Number USCIS COW2015000126.)
- On February 17, 2015, **Tim Novak**, a reporter with the **Chicago Sun-Times** in Chicago, Illinois, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to foreign investors and investments for the following EB-5 regional centers: (1) the Local Government Regional Center of Illinois (Case Number USCIS COW2015000159); and (2) the Freedom Partners Regional Center LLC. (Case Number USCIS COW2015000160.)
- On February 24, 2015, **Sam Pearson**, a reporter with **Greenwire** in Washington, DC, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) records pertaining to NPPD's Outreach and Engagement Strategy and Implementation Plan for contacting facilities that are noncompliant with Chemical Facility Anti-Terrorism Standards. (Case Number NPPD 2015-NPFO-00162.)
- On February 25, 2015, **Alicia Caldwell**, a reporter with the **Associated Press** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) records detailing plans by the United States Secret Service (USSS) to test unmanned aircraft systems in airspace over Washington, DC; and (2) records of correspondence between USSS and the Office of the Secretary regarding the aforementioned plans from January 24, 2015, through February 24, 2015. (Case Number 2015-HQFO-00271.)

### III. Freedom of Information Act Releases

- On February 26, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Cristina Costantini**, a reporter with **Fusion** in New York, New York, 10 pages of records containing statistical data pertaining to Continued Presence applications received by ICE. These records were released in full. (Case Number ICE 2015-ICFO-02283.)
- On February 26, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Shawna Ohm**, a reporter with **Yahoo News & Finance** in New York, New York, one Excel spreadsheet containing statistical data pertaining to companies that were fined by ICE for immigration violations over the past 10 years. These records were released in full. (Case Number ICE 2015-ICFO-06134.)
- On February 26, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Sean Dunagan**, a representative with **Judicial Watch** in Washington,

DC, 21 pages of records pertaining to the late Anwar al-Awlaki. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number ICE 2015-ICFO-06409.)

- On February 26, 2015, the United States Coast Guard (USCG) released to **Michael Scott**, a reporter with **KRGTV** in Weslaco, Texas, 50 pages of records consisting of case reports, photographs, and communication logs pertaining to the grounding of JACKIE C during Tropical Storm Dolly. These records were released in full. (Case Number USCG 2015-CGFO-00303.)
- On February 27, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Jim McElhatton**, a representative with **The Washington Times** in Alexandria, Virginia, 43 pages of records consisting of reports of investigation and case summary reports for several investigations pertaining to the United States Secret Service (USSS). Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(D). (Case Number OIG 2015-022.)
- On February 27, 2015, the Transportation Security Administration (TSA) released to **Thomas Jones**, an individual in Edgewater, Maryland, seven pages of records consisting of correspondence to and from Congressman William Cassidy (R-LA) from January 1, 2009, through November 30, 2013, pertaining to: (1) legislation or regulations; (2) recommendations for executive branch positions or appointments; or (3) support or opposition to federal funding for programs, projects, or companies. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number TSA 2014-TSFO-00078.)
- On March 2, 2015, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Matthew Sledge**, a representative with the **Huffington Post** in New York, New York, 122 pages of records pertaining to the protests in Ferguson, Missouri. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number NPPD 2014-NPFO-00471.)
- On March 3, 2015, the Transportation Security Administration (TSA) released to **Michael Grabell**, a reporter with **ProPublica** in New York, New York, 167 pages of records consisting of TSA Deputy Administrator John Halinski's travel records since he assumed the position in July 2012. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number TSA 2014-TSFO-00278.)
- On March 3, 2015, the Transportation Security Administration (TSA) released to **Jonathan Carlson**, a reporter with **ABC 7 Action News** in Detroit, Michigan, two pages of records containing the number of claims of missing or stolen items from baggage at Detroit Metro Airport and the amount paid out in settlements and claims for 2013. These records were released in full. (Case Number TSA 2014-TSFO-00551.)
- On March 4, 2015, the Department of Homeland Security (DHS) released to **Jack Gillum**, a reporter with the **Associated Press** in Washington, DC, 213 pages of records consisting of e-mails to and from former Chief of Staff John Sandweg to three named DHS officials from January 20, 2009, through June 1, 2009.



Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5 and 6. (Case Number 2013-HQFO-00866.)

#### **IV. Freedom of Information Act Appeals**

- NSTR

#### **V. Freedom of Information Act Appeals Releases**

- NSTR

#### **VI. Litigation**

- In the matter of *Stevens v. Department of Homeland Security* (N.D. Ill. 14-cv-03305), plaintiff filed four Freedom of Information Act requests in fiscal years 2013 through 2014 seeking records pertaining to staffing plans at U.S. Immigration and Customs Enforcement (ICE) detention facilities, detainee grievances, and the voluntary work program for ICE detainees. Plaintiff filed suit on May 6, 2014, claiming constructive denial on all four requests. On February 23, 2015, ICE released 516 pages of detainee grievance forms from the Stewart Detention Center.
- In the matter of *American Immigration Council, et al. v. Department of Homeland Security* (S.D.N.Y. 14-cv-8403), plaintiff filed a Freedom of Information Act request on July 29, 2014, seeking records pertaining to expedited removal regarding families with minor children at the Artesia Family Residential Center in New Mexico. Plaintiff filed suit on October 21, 2014, claiming constructive denial and denial of expedited processing. On February 25, 2015, U.S. Immigration and Customs Enforcement (ICE) released 750 pages of records.

## **Freedom of Information Act Exemptions**

**Exemption 1:** classified national defense and foreign relations information

**Exemption 2:** internal agency personnel rules and practices

**Exemption 3:** information that is prohibited from disclosure by another federal law

**Exemption 4:** trade secrets and other confidential business information

**Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges

**Exemption 6:** information involving matters of personal privacy

**Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual

**Exemption 8:** information relating to the supervision of financial institutions

**Exemption 9:** geological information on wells

## Freedom of Information Act Activity for the Week of March 5 -11, 2015

Privacy Office

March 16, 2015

### Weekly Freedom of Information Act Report

**I. Efficiency and Transparency**—Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and Freedom of Information Act related items:

- NSTR

### II. Freedom of Information Act Requests

- On March 5, 2015, **Debbie Strauss**, a producer with *KPRC/NBC Houston* in Houston, Texas, requested from the United States Coast Guard (USCG) a copy of radio transmissions pertaining to MONTE ALEGRE and CHEMBULK HOUSTON on March 5, 2015. (Case Number USCG 2015-CGFO-00893.)
- On March 6, 2015, **Thomas Fritzsche**, Clinical Teaching Fellow with the **Cardozo School of Law** in New York, New York, on behalf of the **National Day Laborer Organizing Network**, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to the DHS Priority Enforcement Program. (Case Number OIG 2015-118.)
- On March 6, 2015, **Justin McCarthy**, a representative with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records pertaining to the use of U.S. Government funds to provide security and/or other services to: (1) President Obama and any companions on their February 2015 trip to Palm Springs, California (Case Number USSS 20150560); and (2) First Lady Michelle Obama, Malia Obama, Sasha Obama, and any companions on their February 2015 trip to Aspen, Colorado. (Case Number USSS 20150561.)
- On March 9, 2015, **Justin McCarthy**, a representative with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records pertaining to the use of U.S. Government funds to provide security and/or other services to President Obama and any companions on their February 19, 2015 trip to Chicago, Illinois. (Case Number USSS 20150564.)
- On March 9, 2015, **Harry Weber**, a representative with *Bloomberg News* in New York, New York, requested from the United States Coast Guard (USCG) a copy of audio and radar tracking data pertaining to a collision between CARLA MAERSK and the CONTI PERIDOT on March 9, 2015. (Case Number USCG 2015-CGFO-00895.)
- On March 9, 2015, **Debbie Strauss**, a producer with *KPRC/NBC Houston* in Houston, Texas, requested from the United States Coast Guard (USCG) a copy of radio transmissions pertaining to a collision between CARLA MAERSK and the CONTI PERIDOT on March 9, 2015. (Case Number USCG 2015-CGFO-00896.)
- On March 10, 2015, **Jonathan Salant**, a reporter with *NJ Advance Media* in Rockville, Maryland, requested from U.S. Customs and Border Protection (CBP) records of correspondence pertaining to Senator Robert Menendez (D-NJ), including his involvement on behalf of Border Support Services and/or Dr.



Salomon Melgen, from January 1, 2011, through March 1, 2015. (Case Number CBP-2015-022246.)

- On March 11, 2015, **Kelly Riddell**, a reporter with *The Washington Times* in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to letters sent from Senator Robert Menendez (D-NJ) and his legal counsel to DHS and its components from December 1, 2012, through the present. (Case Number OIG 2015-124.)

#### Late requests

- On January 21, 2015, **Siem Eikelenboom**, a journalist with the *Dutch Financial Daily* in Amsterdam, the Netherlands, requested from the United States Coast Guard (USCG) records pertaining to the grounding of KULLUK on December 31, 2012. (Case Number USCG 2015-CGFO-00864.)
- On February 9, 2015, **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the late Karl Linneas, a convicted Nazi war criminal. (Case Number USCIS COW2015000180.)
- On February 19, 2015, **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Woodstock, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the total number of criminal aliens ICE released from immigration detention centers in fiscal years 2012 through 2015. (Case Number ICE 2015-ICFO-72631.)
- On February 24, 2015, **Terri Langford**, a reporter with *The Texas Tribune* in Austin, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the following records pertaining to the Willacy County Correctional Center in Raymondville, Texas: (1) records pertaining to the bidding and selection of MTC to manage the facility; (2) training videos; and (3) videos maintained by ICE regarding assaults, crimes, or unusual incidents from January 1, 2006, through the present. (Case Number ICE 2015-ICFO-72396.)
- On February 25, 2015, **Alicia Caldwell**, a reporter with the *Associated Press* in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records of correspondence to or from the following officials: (1) CBP Commissioner Gil Kerlikowske; (2) CBP's Office of Air and Marine Assistant Commissioner Randolph Alles; (3) Secretary Jeh Johnson; (4) Department of Homeland Security (DHS) Chief of Staff Christian Marrone; and/or (5) United States Secret Service (USSS) Director Joseph Clancy regarding USSS's planned tests of unmanned aircraft systems, from January 24, 2015, through February 24, 2015. (Case Number CBP-2015-020038.)
- On February 27, 2015, **Molly Hennessy-Fiske**, a writer with the *Los Angeles Times* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to a report of abuse at the Karnes Residential Center in Karnes City, Texas on or about February 9, 2015. (Case Number ICE 2015-ICFO-72833.)
- On March 3, 2015, **Claire Vinocur**, a representative with the **Democratic National Committee** in Washington, DC, requested from the Department of Homeland Security (DHS), the Transportation Security Administration (TSA),

and the United States Citizenship and Immigration Services (USCIS) the following records: (1) records of communication with Governor John Kasich (R-OH) or his offices from 1983 through the present; and (2) Freedom of Information Act requests pertaining to Governor Kasich. (Case Numbers 2015-HQFO-00301, TSA 2015-TSFO-00137, and USCIS COW2015000192.)

- On March 4, 2015, **Kevin Nious**, a reporter with *4 NBC New York* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) records of correspondence between FEMA Administrator Craig Fugate and General Services Administration Administrators Denise Pease and Dan Tangherlini or their designees regarding FEMA moving to the One World Trade Center from September 1, 2014, through the present. (Case Number FEMA 2015-FEFO-00297.)

### III. Freedom of Information Act Releases

- On March 4, 2015, U.S. Customs and Border Protection (CBP) released to **Laura Strickler**, a producer with *CBS News* in New York, New York, 54 pages of records consisting of Significant Incident Reports for April 2014 and May 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-2014-029428.)
- On March 5, 2015, the Federal Emergency Management Agency (FEMA) released to **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, 24 pages of records consisting of data pertaining to awards granted under the Homeland Security Grant Program for fiscal years 2005 through 2013. These records were released in full. (Case Number FEMA 2014-FEFO-00289.)
- On March 9, 2015, the Federal Emergency Management Agency (FEMA) released to **Walt Kane**, a reporter with *News 12 New Jersey* in Edison, New Jersey, two pages of records consisting of reimbursement requests submitted to FEMA by Citywide Mobile Response regarding the World Trade Center attacks on September 11, 2001. These records were released in full. (Case Number FEMA 2013-FEFO-00927.)
- On March 9, 2015, the Department of Homeland Security (DHS) released to **Steven Emerson**, President with *SAE Productions* in Washington, DC, 17 pages of records consisting of a briefing memo and agenda for Secretary Jeh Johnson's meeting on November 13, 2014, with Muslim community leaders at the Islamic Center of San Gabriel Valley in Rowland Heights, California. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5, 6, and 7 (C). (Case Number 2015-HQFO-00123.)
- On March 9, 2015, the Department of Homeland Security (DHS) released to **Steven Emerson**, President with *SAE Productions* in Washington, DC, five pages of records consisting of a briefing memo and agenda for Secretary Jeh Johnson's meeting on December 5, 2014, with members from the Pakistani, Muslim, and Somali communities in Boston, Massachusetts. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5 and 6. (Case Number 2015-HQFO-00137.)

- On March 9, 2015, the Transportation Security Administration (TSA) issued to **Scott MacFarlane**, a reporter with *NBC 4* in Washington, DC, a no records determination in response to his request seeking a list or database of all purchases of alcoholic beverages in fiscal year 2014. (Case Number TSA 2015-TSFO-00101.)
- On March 9, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Bryan Johnson**, an attorney with **Amoachi & Johnson, PLLC** in Bay Shore, New York, 31 pages of records consisting of facility observation checklists from the OIG's memoranda "Oversight of Unaccompanied Alien Children" dated July 30, 2014, and August 28, 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number OIG 2015-082.)
- On March 11, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Andrew Grimm**, a reporter with *The Times Picayune* in New Orleans, Louisiana, a full denial in response to his request seeking records pertaining to OIG audits OIG-15-01-D and OIG-DD-13-11. These records were withheld pursuant to Freedom of Information Act Exemptions 6, 7(A), and 7(C). (Case Number OIG 2015-048.)
- On March 11, 2015, the Federal Emergency Management Agency (FEMA) released to **Kirk Mitchell**, a writer with *The Denver Post* in Denver, Colorado, 23 pages of records consisting of e-mails from two named FEMA employees pertaining to (b)(6) from September 11, 2001, through October 16, 2012. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number FEMA 2013-FEFO-00445.)
- On March 11, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, 39 pages of records consisting of the Alien File for the late Martin Bartsch. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6 and 7(E). (Case Number USCIS COW2014000813.)
- On March 11, 2015, the Transportation Security Administration (TSA) released to **Katie Moore**, a reporter/anchor with *WWL-TV* in New Orleans, Louisiana, 75 pages of records consisting of complaints received regarding screening at the New Orleans Armstrong International Airport from January 1, 2014, through June 30, 2014, and video footage of the checked baggage screening area at the airport from 5:00 am through 6:00 am on July 26, 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 3 and 6. (Case Number TSA 2014-TSFO-00506.)

#### IV. Freedom of Information Act Appeals

- NSTR

#### V. Freedom of Information Act Appeals Releases

- On March 11, 2015, U.S. Customs and Border Protection (CBP) released to **Rebecca Engel**, an attorney with the **New York Civil Liberties Union Foundation**, and **Betsy Ginsberg**, a professor with the **Cardozo School of Law**



in New York, New York, 1,913 pages of records consisting of apprehension reports from Swanton Sector stations in New York for fiscal years 2011 and 2012. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-AP-2014-005569.)

- On March 11, 2015, U.S. Customs and Border Protection (CBP) released to **Stacy Boven**, an attorney with **Nixon Peabody, LLP**, on behalf of **Human Rights Watch** in San Francisco, California, 118 pages of records consisting of: (1) policy and training records pertaining to the Trafficking Victims Protection Reauthorization Act of 2008; and (2) Unaccompanied Alien Children apprehension data. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-AP-2015-017306.)

## **VI. Litigation**

- In the matter of *Litman v. Department of Homeland Security* (N.D. Tex. 15-cv-00760), plaintiff filed a Freedom of Information Act request on June 4, 2014, seeking records pertaining to the United States Secret Service (USSS) and named third parties. On March 6, 2015, plaintiff filed a lawsuit claiming constructive denial. On March 9, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released 55 pages of previously released investigative and complaint records pertaining to USSS.
- In the matter of *American Civil Liberties Union v. Department of Homeland Security* (D. Ariz. 15-cv-00247), plaintiff filed a Freedom of Information Act request on December 11, 2014, seeking records pertaining to the abuse and mistreatment of children in the custody of U.S. Customs and Border Protection (CBP). Plaintiff filed suit on February 11, 2015, claiming constructive denial.

## **Freedom of Information Act Exemptions**

**Exemption 1:** classified national defense and foreign relations information

**Exemption 2:** internal agency personnel rules and practices

**Exemption 3:** information that is prohibited from disclosure by another federal law

**Exemption 4:** trade secrets and other confidential business information

**Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges

**Exemption 6:** information involving matters of personal privacy

**Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual

**Exemption 8:** information relating to the supervision of financial institutions

**Exemption 9:** geological information on wells

## Freedom of Information Act Activity for the Week of March 12 – 18, 2015

Privacy Office

March 23, 2015

### Weekly Freedom of Information Act Report

**I. Efficiency and Transparency**—Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and Freedom of Information Act related items:

- NSTR

### II. Freedom of Information Act Requests

- On March 12, 2015, **Jose Magana-Salgado**, an attorney with the **Immigration Legal Resource Center** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) the most recent version of the National Standard Operating Procedures for Deferred Action for Childhood Arrivals (Form I-821 D and Form I-765); and (2) the most recent draft version of the National Standard Operating Procedures for Deferred Action for Parents of Americans and Lawful Permanent Residents. (Case Number 2015-HQFO-00306.)
- On March 12, 2015, **Scott MacFarlane**, a reporter with **NBC 4** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of e-mails sent or received by the DHS Office of Legislative Affairs (OLA) with the keywords “Holmes Norton” or “Bowser” from March 12, 2014, through March 11, 2015. (Case Number 2015-HQFO-00307.)
- On March 12, 2015, **Thomas LeGro**, a representative with **The Washington Post** in Washington, DC, requested from the United States Secret Service (USSS) a copy of surveillance video from 10:00 pm to 12:00 am on March 4, 2015, of the White House compound showing USSS officers driving a government vehicle through security tape and hitting temporary barricades set up during an investigation of a suspicious package. (Case Number USSS 20150692.)
- On March 12, 2015, **Sanjay Bhatt**, a reporter with the **Seattle Times** in Seattle, Washington, requested from the United States Citizenship and Immigration Services (USCIS) records of correspondence pertaining to the EB-5 program since January 1, 2009, through the present from the following current and former members of Congress: (1) Senator Patty Murray (D-WA); (2) Senator Maria Cantwell (D-WA); (3) Representative Suzan Delbene (D-WA); (4) Representative Rick Larsen (D-WA); (5) Representative Jaime Herrera Butler (R-WA); (6) Representative Dan Newhouse (R-WA); (7) Representative Cathy McMorris Rodgers (R-WA); (8) Representative Derek Kilmer (D-WA); (9) Representative Jim McDermott (D-WA); (10) Representative David Reichert (R-WA); (11) Representative Adam Smith (D-WA); (12) Representative Denny Heck (D-WA); (13) Representative Jay Inslee (D-WA); and (14) Representative Richard “Doc” Hastings (R-WA). (Case Number USCIS COW2015000215.)
- On March 13, 2015, **Sanjay Bhatt**, a reporter with the **Seattle Times** in Seattle, Washington, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the following Freedom of Information Act requests



and the records previously released in response to Case Numbers: (1) USCIS COW2014000424; (2) USCIS COW2013000883; (3) USCIS COW2013000891; and (4) USCIS COW2013000888. (Case Number USCIS COW2015000216.)

- On March 13, 2015, **Susan Crabtree**, a representative with the *Washington Examiner* in Washington, DC, requested from the United States Secret Service (USSS) the following records: (1) USSS Table of Penalties; (2) USSS Code of Conduct; and (3) any rules pertaining to the consumption of alcohol while operating a government-owned vehicle. (Case Number USSS 20150694.)
- On March 16, 2015, the Department of Commerce referred to the Federal Emergency Management Agency (FEMA) records responsive to a request from **Charles Duhigg**, a reporter with *The New York Times* in New York, New York, seeking a copy of e-mails sent by or to the e-mail address (b)(6) from August 1, 2012, through December 2, 2012. (Case Number FEMA 2015-FEFO-00312.)
- On March 17, 2015, **Carl Takei**, an attorney with the **American Civil Liberties Union National Prison Project** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to the U.S. Immigration and Customs Enforcement (ICE) Policy Directive 11065.1 "Review of the Use of Segregation for ICE Detainees." (Case Number OIG 2015-127.)
- On March 17, 2015, **Nick Penzenstadler**, a reporter with *USA Today* in Appleton, Wisconsin, requested from the Transportation Security Administration (TSA) records pertaining to assessment letters/civil enforcement actions regarding "interference with screening" incidents in 2013 and 2014. (Case Number TSA 2015-TSFO-00143.)

#### Late requests

- On November 12, 2014, **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the Alien File for the late Kazys Gimzauskas. (Case Number USCIS COW2015000210.)
- On November 12, 2014, **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the Alien File for the late Johann Hahner. (Case Number USCIS COW2015000212.)
- On November 17, 2014, **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the Alien File for the late Arthur Rudolph. (Case Number USCIS COW2015000207.)
- On January 26, 2015, **Schuyler Kropf**, a reporter with *The Post and Courier* in Charleston, South Carolina, requested from the United States Coast Guard (USCG) records pertaining to the closing or relocation of Air Station Charleston from May 1, 2014, through December 15, 2014. (Case Number USCG 2015-CGFO-00942.)
- On February 6, 2015, **Matthew Perlman**, a reporter with *The Brooklyn Paper* in Brooklyn, New York, requested from the United States Coast Guard (USCG)

records pertaining to an investigation into an incident at a facility at Greenpoint in Brooklyn, New York on February 13, 2014. (Case Number USCG 2015-CGFO-00959.)

- On March 1, 2015, **Naja Girard**, a reporter with **Key West The Newspaper** in Key West, Florida, requested from the United States Citizenship and Immigration Services (USCIS) the following records: (1) the number of H-2B and J-1 visas issued per year for workers in Key West; and (2) the names of all companies that have used or are using H-2B and or J-1 workers in Key West, each year for the past five years. (Case Number USCIS COW2015000205.)
- On March 3, 2015, **Damian Paletta**, a reporter with **The Wall Street Journal** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) records of correspondence between former Secretary of State Hillary Clinton and I&A officials from January 1, 2009, through December 31, 2013. (Case Number I&A 2015-IAFO-0094.)
- On March 5, 2015, **Leslie Aguilar**, a representative with **KRGV-TV** in Weslaco, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to land, real property, and real estate seized by ICE or Homeland Security Investigations in the following Texas counties: (1) Hidalgo; (2) Brooks; (3) Starr; (4) Cameron; (5) Zapata; and (6) Willacy from January 1, 2009, through March 3, 2015. (Case Number ICE 2015-ICFO-73499.)
- On March 9, 2015, **Suzanne Lazicki**, a business writer and blogger with **Lucid Professional Writing** in Ogden, Utah, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to designation letters issued for EB-5 Regional Centers from January 1, 2013, through the present. (Case Number USCIS COW2015000220.)

### III. Freedom of Information Act Releases

- On March 12, 2015, U.S. Customs and Border Protection (CBP) released to **Michel Marizco**, a reporter with **KVOA News 4** in Tucson, Arizona, 17 pages of records pertaining to firearms lost by U.S. Border Patrol agents in the Tucson Sector from January 1, 2012, through March 1, 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-2014-015683.)
- On March 13, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Jacob Horowitz**, Assistant City Attorney with the **Office of the City Attorney** in Pembroke Pines, Florida, 662 pages of records consisting of contracts, agreements, and correspondence pertaining to the potential siting of, and the decision not to house a detention facility within the Town of Southwest Ranches. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5, 6, 7(C), and 7(E). (Case Number ICE 2015-ICFO-00101.)
- On March 13, 2015, the Department of Homeland Security (DHS) issued to **Scott MacFarlane**, a reporter with **NBC 4** in Washington, DC, a no records determination in response to his request seeking records pertaining to purchases and reimbursements including the keyword “Hooters” in fiscal years 2013 through 2014. (Case Number 2015-HQFO-00120.)



- On March 16, 2015, U.S. Customs and Border Protection (CBP) released to **Michel Marizco**, a reporter with *KVOA News 4* in Tucson, Arizona, 10 pages of records consisting of a listing of closed investigations pertaining to CBP employees arrested under federal, state, county, and local criminal laws in Arizona from January 1, 2012, through January 1, 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 2, 6, 7(A), and 7(C). (Case Number CBP-2014-014662.)
- On March 17, 2015, the Federal Law Enforcement Training Centers (FLETC) released to **Eileen Sullivan**, a reporter with the *Associated Press* in Washington, DC, one page of records consisting of a correspondence tracker pertaining to Senator Rand Paul (R-KY). Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number FLETC FOIA 15-038.)
- On March 17, 2015, the Department of Homeland Security (DHS) released to **Kevin Schmidt**, an investigative analyst with **Cause of Action** in Washington, DC, one page of records consisting of a text message from an official in the DHS Office of Public Affairs (OPA). Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number 2015-HQFO-00109.)
- On March 17, 2015, the Department of Homeland Security (DHS) released to **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, 28 pages of records pertaining to the support to Southwest border security. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5 and 7(E). (Case Number 2015-HQFO-00226.)
- On March 17, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Sharita Gruberg**, a representative with the **Center for American Progress** in Washington, DC, one Excel spreadsheet pertaining to Risk Classification Assessments for lesbian, gay, bisexual, and transgender immigrants from October 1, 2013, through October 31, 2014. These records were released in full. (Case Number ICE 2015-ICFO-03143.)
- On March 17, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Patrick Sullivan**, a representative with the *Northern Express* in Traverse City, Michigan, 10 pages of records pertaining to the ICE raid of Friske Orchards in Antrim County, Michigan on July 7, 2014. Portions of the release were withheld pursuant to Privacy Act Exemption j2 and Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number ICE 2015-ICFO-16675.)
- On March 17, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Kate Linthicum**, a representative with the *Los Angeles Times* in Los Angeles, California, 247 pages of records pertaining to California employers who were fined or charged criminally for immigration violations by ICE in 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 7(E). (Case Number ICE 2015-ICFO-57083.)
- On March 18, 2015, U.S. Customs and Border Protection (CBP) released to **Laura Strickler**, a producer with *CBS News* in New York, New York, 58 pages of records consisting of Significant Incident Reports for April 2014 and May 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-2014-029428.)



- On March 18, 2015, the Federal Emergency Management Agency (FEMA) released to **Andre Stepankowsky**, a representative with *The Daily News* in Longview, Washington, 938 pages of records consisting of the firefighting grants FEMA provided to public safety agencies in Cowlitz, Wahkiakum, and Pacific Counties in the State of Washington and Columbia County in Oregon. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number FEMA 2013-FEFO-00097.)
- On March 18, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Kelly Riddell**, a reporter with *The Washington Times* in Washington, DC, a no records determination in response to her request seeking records pertaining to letters sent from Senator Robert Menendez (D-NJ) and his legal counsel to DHS and its components from December 1, 2012, through the present. (Case Number OIG 2015-124.)

#### IV. Freedom of Information Act Appeals

- On March 11, 2015, **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, appealed the Department of Homeland Security (DHS), Office of Inspector General's (OIG) response to his request seeking records of correspondence and communications to and from the DHS-OIG pertaining to the classification of information within OIG-15-18, "Audit of Security Controls for DHS Information Systems at John F. Kennedy International Airport," as Sensitive Security Information, from July 1, 2014, through the present. The requester is contesting the requester category determination. (Case Number OIG 2015-A08.)

#### V. Freedom of Information Act Appeals Releases

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#### VI. Litigation

- In the matter of *Detention Watch Network v. Department of Homeland Security, et al.* (S.D. N.Y.14-cv-00583), plaintiff filed a Freedom of Information Act request on November 25, 2013, seeking records pertaining to the Detention Bed Mandate. Plaintiff filed suit claiming constructive denial, and sought a preliminary injunction to compel production. On March 13, 2015, U.S. Immigration and Customs Enforcement (ICE) released 1,332 pages of records.
- In the matter of *American Immigration Council, et al. v. Department of Homeland Security* (D. Conn. 12-cv-355), plaintiffs filed a Freedom of Information Act request on November 29, 2011, seeking records pertaining to the Criminal Alien Program and its predecessors. Plaintiffs filed suit on March 8, 2012, claiming constructive denial, improper denial of fee waiver request, and improper denial of media requester status. On March 16, 2015, U.S. Immigration and Customs Enforcement (ICE) released 593 pages of e-mail records and 18 Excel spreadsheets from the Philadelphia Field Office.

## **Freedom of Information Act Exemptions**

**Exemption 1:** classified national defense and foreign relations information

**Exemption 2:** internal agency personnel rules and practices

**Exemption 3:** information that is prohibited from disclosure by another federal law

**Exemption 4:** trade secrets and other confidential business information

**Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges

**Exemption 6:** information involving matters of personal privacy

**Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual

**Exemption 8:** information relating to the supervision of financial institutions

**Exemption 9:** geological information on wells

**Freedom of Information Act Activity for the Week of March 19 – 25, 2015**

**Privacy Office**

**March 30, 2015**

**Weekly Freedom of Information Act Report**

**I. Efficiency and Transparency**—Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and Freedom of Information Act related items:

- On March 19, 2015, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE Freedom of Information Act Library under the Secure Communities Statistics menu the Secure Communities Nationwide Interoperability Statistics-Year to Date Fiscal Year 2015 replacing the previous version (58 pages).

**II. Freedom of Information Act Requests**

- On March 19, 2015, **Jason Leopold**, a reporter with *VICE News* in Beverly Hills, California, requested from U.S. Customs and Border Protection (CBP) a copy of e-mails from CBP Media Relations Divisions Director Michael Friel and Press Secretary Jenny Burke containing the words “This American Life” and “refuseniks” from January 1, 2014, through the present. (Case Number CBP-2015-024333.)
- On March 19, 2015, **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the Alien File and C-File for the following deceased individuals: (1) Josef Eckert (Case Number USCIS COW2015000238); (2) Albert Ensin (Case Number USCIS COW2015000243); (3) Jakob Habich (Case Number USCIS COW2015000246); (4) Michael Gruber (Case Number USCIS COW2015000258); and (5) Konrads Kalejsin. (Case Number USCIS COW2015000259.)
- On March 19, 2015, **Justin McCarthy**, a representative with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records pertaining to the use of U.S. Government funds to provide security and/or other services to President Obama and any companions on their trip to Los Angeles, California from March 12, 2015, through March 13, 2015. (Case Number USSS 20150740.)
- On March 19, 2015, **Lauren Barich**, a research associate with the **Democratic Senatorial Campaign Committee** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence between DHS and Senator Richard Burr (R-NC) or his staff or his previous office from January 1, 1995, through the present. (Case Number 2015-HQFO-00312.)
- On March 20, 2015, **Mark Cygan**, a research associate with the **Democratic Senatorial Campaign Committee** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence between DHS and Senator Roy Blunt (R-MO) or his staff from January 1, 2011, through the present. (Case Number 2015-HQFO-00313.)
- On March 20, 2015, **Alicia Caldwell**, a reporter with the *Associated Press* in Washington, DC, requested from the United States Secret Service (USSS) records



pertaining to the March 4, 2015 incident involving two USSS agents driving through a secure area into the White House complex. (Case Number USSS 20150742.)

- On March 23, 2015, **Stephen Braun**, a representative with the *Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of e-mails between former Secretary Janet Napolitano and other DHS officials and former Secretary of State Hillary Clinton to and from the e-mail address hdr22@clintonemail.com from January 21, 2009, through February 1, 2013. (Case Number 2015-HQFO-00325.)
- On March 23, 2015, **Mitra Ebadolahi**, an attorney with the **American Civil Liberties Union** in San Diego, California, requested from U.S. Customs and Border Protection (CBP) records pertaining to a named individual regarding an incident that occurred on August 9, 2014, through August 10, 2014. (Case Number CBP-2015-024780.)
- On March 25, 2015, **Danielle Lipsman**, a representative with the **Democratic Senatorial Campaign Committee** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence between DHS and Senator Ron Johnson (R-WI) or his staff from January 1, 2011, through the present. (Case Number 2015-HQFO-00330.)

#### Late requests

- On February 9, 2015, **Sharon Machlis**, a representative with *Computerworld* in Framingham, Massachusetts, requested from the United States Citizenship and Immigration Services (USCIS) records of all approved H-1B applications filed for fiscal year 2014 and the first quarter of fiscal year 2015. (Case Number USCIS COW2015000114.)
- On February 18, 2015, **Edward Hasbrouck**, a consultant with **The Identity Project** in San Francisco, California, requested from the United States Coast Guard (USCG) records pertaining to any Facility Security Committees for USCG Station San Francisco and USCG Training Center Petaluma. (Case Number USCG 2015-CGFO-01169.)
- On February 26, 2015, **Robert Patrick**, a reporter with the *St. Louis Post-Dispatch* in St. Louis, Missouri, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to Notices to Appear issued by the St. Louis office from January 1, 2013, through the present. (Case Number USCIS COW2015000257.)
- On March 6, 2015, **Brittany Hughes**, a reporter with *CNS News* in Reston, Virginia, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the lease agreement signed on November 21, 2014, between USCIS and the General Services Administration for the facility being rented by USCIS at 2200 Crystal Drive in Arlington, Virginia. (Case Number USCIS COW2015000222.)
- On March 6, 2015, **Scott Mayerowitz**, a reporter with the *Associated Press* in New York, New York, requested from the Transportation Security Administration (TSA) the following statistical data for all airports for March 1, 2014, through the present: (1) the number of passengers allowed to use PreCheck lanes; (2) the

number of “quad L” passengers who had “PreCheck” on their boarding pass; (3) the number of passengers allowed to use PreCheck lanes through managed inclusion 1; and (4) the number of passengers allowed to use PreCheck lanes through managed inclusion 2. (Case Number TSA 2015-TSFO-00154.)

- On March 10, 2015, **Alexis Krell**, a reporter with *The News Tribune* in Tacoma, Washington, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to bids for Solicitation Number NWDFCOCO to run the Northwest Detention Facility as of April 1, 2015. (Case Number ICE 2015-ICFO-74547.)
- On March 12, 2015, **Molly Redden**, a reporter with *Mother Jones* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the 2010 proposal by Essex County, New Jersey to set up a new detention facility in the Essex County Correctional Facility and Delaney Hall. (Case Number ICE 2015-ICFO-74645.)
- On March 12, 2015, **Alice Crites**, a research editor with *The Washington Post* in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the Alien File for the late Jose Maria Garnica-Rodriguez. (Case Number USCIS COW2015000236.)
- On March 12, 2015, **Sanjay Bhatt**, a reporter with the *Seattle Times* in Seattle, Washington, requested from the United States Citizenship and Immigration Services (USCIS) the following records: (1) statistical data for I-924 approval dates and current status and I-526 and I-829 statistics (approval, denial, rejected) for fiscal years 2010 through 2014 for all EB-5 Regional Centers; and (2) I-526 and I-829 statistics for each EB-5 Regional Center that are cumulative since I-924 approval. (Case Number USCIS COW2015000251.)
- On March 13, 2015, **Scott MacFarlane**, a reporter with *NBC 4* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of e-mails sent or received by Matthew Allen from 8:00 am on January 31, 2015, through 11:59 pm on February 1, 2015. (Case Number ICE 2015-ICFO-74124.)
- On March 16, 2015, **Elly Yu**, a representative with *WABE* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to removal reports for the Atlanta Field Office and national totals from February 16, 2015, through the present. (Case Number ICE 2015-ICFO-74699.)
- On March 16, 2015, **Michael Faulk**, a reporter with *The Yakima Herald-Republic* in Yakima, Washington, requested from U.S. Immigration and Customs Enforcement (ICE) records produced through investigations of sex trafficking conducted by ICE/Homeland Security Investigations in the State of Washington from January 1, 2010, through the present. (Case Number ICE 2015-ICFO-74860.)
- On March 16, 2015, **PJ Randhawa**, a reporter with *WIS-TV* in Columbia, South Carolina, requested from U.S. Customs and Border Protection (CBP) a list of all items seized from January 1, 2010, through the present at the following ports: (1) the Port of Charleston, South Carolina (Case Number CBP-2015-023433); and (2) the Port of Savannah, Georgia. (Case Number CBP-2015-023436.)
- On March 17, 2015, **Nina Feldman**, a reporter with *National Public Radio* in New Orleans, Louisiana, requested from U.S. Immigration and Customs



Enforcement (ICE) a copy of the national contract between ICE and BI INC pertaining to GPS and electronic monitoring and any additional contracts that operate on a state level for Louisiana, or if on a county level, Orleans and Jefferson Parish. (Case Number ICE 2015-ICFO-74110.)

- On March 18, 2015, **Ranjana Natarajan**, Director, Civil Rights Clinic with the **University of Texas School of Law** in Austin, Texas, requested from the Department of Homeland Security (DHS) the following records pertaining to the Karnes County Residential Center: (1) records pertaining to compliance with the Prison Rape Elimination Act of 2003 and DHS Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, 6 C.F.R. Part 115; and (2) records pertaining to allegations and incidents of sexual abuse from January 1, 2015, through the present. (Case Number 2015-HQFO-00318.)
- On March 18, 2015, **William Marshall**, a representative with **Judicial Watch** in Washington, DC, requested from the Transportation Security Administration (TSA) the following statistical data for all U.S. commercial airports for January 1, 2012, through the present: (1) the number and types of security and identification badges reported missing, lost, or stolen; (2) the number and types of credentials reported missing, lost, or stolen; (3) the number and types of access control devices reported missing, lost, or stolen; and (4) the number and types of uniforms reported missing, lost, or stolen. (Case Number TSA 2015-TSFO-00149.)

### III. Freedom of Information Act Releases

- On March 19, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Rebekah Young**, a reporter with **KRGV-TV** in Weslaco, Texas, 18 pages of records consisting of facility observation checklists for Rio Grande Valley Sector facilities visited for the OIG memorandum "Oversight of Unaccompanied Alien Children" dated July 30, 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number OIG 2014-162.)
- On March 20, 2015, the Transportation Security Administration (TSA) released to **Jeff Plungis**, a reporter with **Bloomberg News** in Washington, DC, 97 pages of records consisting of travel records and a list of gifts received for former TSA Administrator John Pistole from September 1, 2010, through May 31, 2012. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5 and 6. (Case Number TSA 2013-TSFO-01191.)
- On March 20, 2015, U.S. Customs and Border Protection (CBP) released to **Laura Strickler**, a reporter with **CBS News** in New York, New York, 60 pages of records consisting of Significant Incident Reports issued at the McAllen, Texas Border Patrol Station in April 2014 and May 2014. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-2014-029428.)
- On March 23, 2015, the Department of Homeland Security (DHS) issued to **Clara Long**, a researcher with **Human Rights Watch** in San Francisco, California, a no records determination in response to her request seeking the following records pertaining to policies and procedures regarding: (1) data collection on stops,



searches, and interrogation of individuals at Ports of Entry, Border Patrol Checkpoints, and elsewhere; and (2) complaints involving misconduct by U.S. Customs and Border Protection (CBP). (Case Number 2015-HQFO-00227.)

- On March 23, 2015, the Department of Homeland Security (DHS) issued to **Alicia Caldwell**, a reporter with the *Associated Press* in Washington, DC, a no records determination in response to her request seeking records pertaining to the transfer of (b)(6) from the United States Secret Service (USSS) to U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations from November 1, 2014, through February 10, 2015. (Case Number 2015-HQFO-00236.)
- On March 25, 2015, U.S. Customs and Border Protection (CBP) released to **Jacqueline Armendariz**, a reporter with *The Monitor* in McAllen, Texas, 283 pages of records consisting of all complaints submitted to the CBP passenger service manager since 2010 at ports of entry in Hidalgo and Cameron Counties in Texas. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-2013-005775.)
- On March 25, 2015, the United States Coast Guard (USCG) released to **Debbie Strauss**, a producer with *KPRC/NBC Houston* in Houston, Texas, three Vessel Traffic Service replay recordings pertaining to an incident involving MONTE ALEGRE and CHEMBULK HOUSTON on March 5, 2015. These records were released in full. (Case Number USCG 2015-CGFO-00893.)

#### IV. Freedom of Information Act Appeals

- NSTR

#### V. Freedom of Information Act Appeals Releases

- NSTR

#### VI. Litigation

- In the matter of *Immigrant Defense Project, et al. v. Department of Homeland Security* (S.D.N.Y. 14-cv-06117), plaintiff filed a Freedom of Information Act request on October 17, 2013, seeking records pertaining to home-based enforcement operations. Plaintiff filed suit on August 5, 2014, claiming timely and substantive response. On March 19, 2015, U.S. Immigration and Customs Enforcement (ICE) released 441 pages of records.
- In the matter of *American Civil Liberties Union v. Department of Homeland Security* (S.D.N.Y. 11-cv-3786), plaintiffs filed a Freedom of Information Act request on January 13, 2009, seeking records regarding Post Order Custody Review. Plaintiffs filed suit on June 3, 2011, claiming constructive denial. Pursuant to the Court's September 2013 order, U.S. Immigration and Customs Enforcement (ICE) and the plaintiffs are negotiating the scope of a sample production of the records. On March 20, 2015, ICE released 5,196 pages of sample Post Order Custody Review records from 176 Alien Files.
- In the matter of *National Immigrant Justice Center v. Department of Homeland Security* (N.D. Ill. 12-cv-05358), plaintiff filed a Freedom of Information Act request on April 27, 2011, seeking a copy of all Intergovernmental Service

Agreements between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On March 20, 2015, ICE released 33,449 pages of Enforcement and Removal Operations detention facility inspection reports and contracts.

## **Freedom of Information Act Exemptions**

**Exemption 1:** classified national defense and foreign relations information

**Exemption 2:** internal agency personnel rules and practices

**Exemption 3:** information that is prohibited from disclosure by another federal law

**Exemption 4:** trade secrets and other confidential business information

**Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges

**Exemption 6:** information involving matters of personal privacy

**Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual

**Exemption 8:** information relating to the supervision of financial institutions

**Exemption 9:** geological information on wells