



**U.S. Immigration
and Customs
Enforcement**

March 24, 2015

Nathan Mehrens
Americans for Limited Government
10332 Main Street, No. 326
Fairfax, VA 22030

RE: ICE FOIA Case Number 2014-ICFO-02153

Dear Mr. Mehrens:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated July 02, 2014. You have requested copies of the following records:

All records relating to communications between Immigration and Customs Enforcement (ICE) officials, concerning the ICE Request for Information (RFI), Solicitation No. BERKS-RFI, titled "Escort Services for Unaccompanied Alien Children."

ICE has considered your request under the FOIA, 5 U.S.C. § 552. A search of the ICE Office of Acquisition (OAQ) for records responsive to your request produced 16 pages that are responsive to your request. After review of those documents, I have determined that portions of 16 pages will be withheld pursuant to Exemptions 4, 6, 7(C) and 7(E) of the FOIA as described below.

ICE has applied Exemption 4 to protect from disclosure financial information that has been determined to be privileged and/or confidential.

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 applied Exemptions 6 and 7(C) to protect from disclosure the telephone numbers and email addresses of ICE personnel and third-party information contained within the documents.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal. 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 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 information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of 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 Exemption 7(E) to protect internal agency codes and/or administrative codes.

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 determined that disclosure of law enforcement systems checks could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have the right to appeal ICE's determination and should you wish to do so, please send your appeal following the procedures outlined in the DHS regulations at 6 Code of Federal Regulations § 5.9 and a copy of this letter to:

U.S. Immigration and Customs Enforcement
Office of Principal Legal Advisor
U.S. Department of Homeland Security
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA and Privacy Act allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.¹

If you need to contact the FOIA office about this matter, please call (866) 633-1182 and refer to FOIA case number **2014-ICFO-02153**.

Sincerely,



Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s): 16 Pages

¹ 6 CFR § 5.11(d)(4).