

# **Exhibit D**

U.S. Department of Homeland Security  
500 12<sup>th</sup> St. SW; STOP 5009  
Washington, DC 20536-5009



U.S. Immigration  
and Customs  
Enforcement

July 9, 2014

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David E. Gluckman  
c/o Muckrock News  
Dept. MR 7040, P.O. Box 55819  
Boston, MA 02205

**RE: OPLA14-1278, 2014FOIA1723**

Dear Mr. Gluckman:

This is in response to your letter dated June 11, 2014, received on June 12, 2014, appealing U.S. Immigration and Customs Enforcement's (ICE) response to your client David Gluckman's Freedom of Information Act/Privacy Act (FOIA/PA) request. Your client David Gluckman's FOIA/PA request asked for certain records relating to ICE's Form I-9 inspections, including how it classifies paperwork violations and how it calculates fine amounts. It appears you are appealing the adequacy of the agency's search and the applicability of exemptions asserted.

As was explained in ICE FOIA's letter dated May 20, 2014, a search of the ICE Office Homeland Security Investigations identified one Microsoft Excel spreadsheet and 36 pages of responsive documents. However, it is likely that additional responsive records may be found in locations the agency has not yet searched. We are therefore **remanding** your appeal to ICE FOIA for processing and re-tasking to the appropriate agency/office(s) to obtain any responsive documents.

As was explained in ICE FOIA's letter dated March 20, 2014, your request was processed under the FOIA 5 U.S.C. §552. First, please note that the ICE FOIA's Office letter mistakenly included reference to withholdings under FOIA Exemption 5. Upon a complete review of the information withheld in the determination on your FOIA request, we have determined that in fact no information was withheld pursuant to Exemption (b)(5). We regret any confusion this may have caused your or your client.

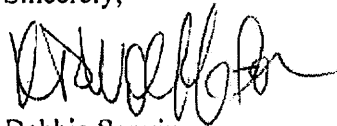
Additionally, as was explained in ICE FOIA's letter dated March 20, 2014, ICE has applied Exemptions (b)(6) and (b)(7)(C) to protect from disclosure information pertaining to a third parties who have not provided consent. Without the explicit consent of the individual(s) named in the records you seek, ICE cannot release these records to you, your client or any other member of the public. Protecting the privacy interests of individuals who may be named in ICE records which are

Jonathan L. Moore (David E. Gluckman)  
OPLA14-1278, 2014FOIA1723  
Page 2 of 2

the target of FOIA requests requires this procedure; members of the public may draw adverse inferences from the mere fact that an individual is mentioned in the files of a criminal law enforcement agency. ICE has also applied FOIA Exemptions (b)(6) and (b)(7)(C) to protect from disclosure the names, email addresses and phone numbers of DHS employees. The privacy interests of the individual(s) in the records you have requested outweigh any minimal public interest in the disclosure of the information. Please understand that any private interest you or your client may have in that information cannot factor into this determination. ICE has applied FOIA Exemption (b)(7)(E) to protect from disclosure law enforcement and investigative techniques to include assembling relevant evidence, as well as building and documenting a case, none of which are well known to the public. Upon a complete review of the information withheld in the determination on your FOIA request, the withholding of this information was proper in all respects, and the information is exempt from disclosure under the applicable provisions of 5 U.S.C. § 552 cited above.

Should you have any questions regarding this appeal closure, please contact ICE at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov). In the subject line of the email please include your appeal number, which is OPLA14-1278, and the FOIA case number, which is 2014FOIA1723.

Sincerely,



Debbie Seguin  
Chief  
Government Information Law Division  
ICE Office of the Principal Legal Advisor  
Department of Homeland Security