

ATTACHMENT 4

Office of the Principal Legal Advisor

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

September 15, 2023

John Gamble
20091 Mt. Israel Place
Escondido, California 92029

RE: 2023-ICAP-00428, 2023-ICFO- 28240

Dear John Gamble:

This is in response to your letter dated August 16, 2023, received on August 17, 2023, appealing the U.S. Immigration and Customs Enforcement's (ICE) Freedom of Information Act (FOIA) Office's response to your FOIA request dated May 31, 2023, seeking all findings and/or determinations in reference to the inspection held on or around 7/29/19 at Affordable Senior Housing Foundation DBA Oak Hill Residential Care EIN: 82-3131789 (Date Range for Record Search: From 7/1/2019 to 5/31/2023).

By letter dated August 10, 2023, the ICE FOIA Office advised you that ICE had conducted a search of the ICE Homeland Security Investigations (HSI) for records responsive to your request and produced 29 pages that were responsive to your request, with portions of those pages withheld pursuant to Exemptions (b)(6), (b)(7)(c) and (b)(7)(e) of the FOIA. In your most recent correspondence, you appealed the adequacy of the withholdings conducted by ICE.

The ICE FOIA Office applied FOIA Exemptions (b)(6) and (b)(7)(C) to protect from disclosure the names, initials, and room numbers of DHS employees, third parties, and other identifying information to prevent an unwarranted invasion of privacy. 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 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. Please understand any personal, professional, or litigation interest you or your client may have in these records cannot be part of that determination.

Upon a complete review of the information withheld by ICE in the initial 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.

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This decision is the final action of ICE concerning your FOIA request. Inasmuch as you consider this to be a denial of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside or have a principal place of business, or in which the agency records are situated, or in the District of Columbia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Should you have any questions regarding this appeal decision, please contact ICE at ice-foia@dhs.gov. In the subject line of the email please include the word "appeal," your appeal number, which is **2023-ICAP-00428**, and the FOIA case number, which is **2023-ICFO-28240**.

Sincerely,

/s/ Ari Fried

for Christopher Lanks
Acting Chief
Government Information Law Division
ICE Office of the Principal Legal Advisor
U.S. Department of Homeland Security

cc: The ICE FOIA Office