



**U.S. Department of Justice
Federal Bureau of Prisons**

Central Office
320 First St., NW
Washington, DC 20534

March 22, 2024

The Just Data Lab

Sent via e-mail to: 142457-12448704@requests.muckrock.com

Request Number: 2023-02214

Dear The Just Data Lab:

This is in response to the above referenced Freedom of Information Act (FOIA) request. In summary, you requested a copy of the current contracts with the BOP and Dismas Charities, Inc. in Georgia and a copy of the current criminal records of individuals housed or released from Dismas Charities, Inc.'s re-entry centers within the past year to include publicly available biographical information of the individuals, contact information of the individuals, duration of their incarceration, the area where the individuals were released, or other related information included in the surveillance of formerly incarcerated citizens.

Regarding your request for copies of contracts with Dismas Charities, Inc. in Georgia, in light of *Food Marketing Institute v. Argus Leader Media*, 139 S.Ct. 2356, 2366, 588 US __ (2019), the Bureau of Prisons considers the records you seek to be confidential commercial or financial information. When BOP enters into a contract with a private entity, all non-confidential information related to the contract and solicitation is posted on the internet. The Federal Acquisition Regulations promote and mandate a contracting system, which ensures competing private contractors are not provided access to their competitors' commercial or financial information. BOP understands its responsibility to protect private parties' commercial information and has a long history of only releasing information it is legally required to, such as the name of a contractor and the total price of a contract.

The Freedom of Information Act allows you to request any records not already required to be made available pursuant to 5 U.S.C. § 552(a)(1) or (a)(2). The records you request are already available to the public pursuant to the statute. You may access the publicly available information concerning the contracts at:

Atlanta, GA -

<https://www.fpbs.gov/ezsearch/fpdsportal?indexName=awardfull&templateName=1.5.3&s=FPD S.GOV&q=15BRRC23D00000009&x=0&y=0> and

https://sam.gov/search/?index=opp&page=1&pageSize=25&sort=-modifiedDate&sfm%5Bstatus%5D%5Bis_active%5D=true&sfm%5Bstatus%5D%5Bis_inactive%5D=true&sfm%5BsimpleSearch%5D%5BkeywordRadio%5D=ALL&sfm%5BsimpleSearch%5D%5BkeywordTags%5D%5B0%5D%5Bkey%5D=15BRRC23D00000009&sfm%5BsimpleSearch%5D%5BkeywordTags%5D%5B0%5D%5Bvalue%5D=15BRRC23D00000009

Augusta, GA -

<https://www.fpbs.gov/ezsearch/fpbsportal?indexName=awardfull&templateName=1.5.3&s=FPD S.GOV&q=15BRRC21D00000291&x=0&y=0> and

https://sam.gov/search/?index=opp&page=1&pageSize=25&sort=-modifiedDate&sfm%5Bstatus%5D%5Bis_active%5D=true&sfm%5Bstatus%5D%5Bis_inactive%5D=true&sfm%5BsimpleSearch%5D%5BkeywordRadio%5D=ALL&sfm%5BsimpleSearch%5D%5BkeywordTags%5D%5B0%5D%5Bkey%5D=15BRRC21D00000291&sfm%5BsimpleSearch%5D%5BkeywordTags%5D%5B0%5D%5Bvalue%5D=15BRRC21D00000291&sfm%5BsimpleSearch%5D%5BkeywordEditorTextarea%5D=

Savannah, GA –

<https://www.fpbs.gov/ezsearch/fpbsportal?indexName=awardfull&templateName=1.5.3&s=FPD S.GOV&q=15BRRC21D00000246&x=0&y=0> and

https://sam.gov/search/?index=opp&page=1&pageSize=25&sort=-modifiedDate&sfm%5Bstatus%5D%5Bis_active%5D=true&sfm%5Bstatus%5D%5Bis_inactive%5D=true&sfm%5BsimpleSearch%5D%5BkeywordRadio%5D=ALL&sfm%5BsimpleSearch%5D%5BkeywordTags%5D%5B0%5D%5Bkey%5D=15BRRC21D00000246&sfm%5BsimpleSearch%5D%5BkeywordTags%5D%5B0%5D%5Bvalue%5D=15BRRC21D00000246&sfm%5BsimpleSearch%5D%5BkeywordEditorTextarea%5D=

Macon, GA –

<https://www.fpbs.gov/ezsearch/fpbsportal?indexName=awardfull&templateName=1.5.3&s=FPD S.GOV&q=15BRRC19D00000176&x=0&y=0> and

https://sam.gov/search/?index=opp&page=1&pageSize=25&sort=-modifiedDate&sfm%5Bstatus%5D%5Bis_active%5D=true&sfm%5Bstatus%5D%5Bis_inactive%5D=true&sfm%5BsimpleSearch%5D%5BkeywordRadio%5D=ALL&sfm%5BsimpleSearch%5D%5BkeywordTags%5D%5B0%5D%5Bkey%5D=15BRRC19D00000176&sfm%5BsimpleSearch%5D%5BkeywordTags%5D%5B0%5D%5Bvalue%5D=15BRRC19D00000176&sfm%5BsimpleSearch%5D%5BkeywordEditorTextarea%5D=

Any non-public records responsive to your request for information contain confidential commercial or financial information. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, approximately 109 pages of records were withheld in full, from disclosure to you under exemption (b)(4). BOP considered the foreseeable harm standard when reviewing responsive records and applying FOIA exemptions. An explanation of FOIA exemptions is attached.

In response to the remaining portion of your request seeking a copy of the current criminal records of individuals housed or released from Dismas Charities, Inc.'s re-entry centers within the past year to include publicly available biographical information of the individuals, contact information of the individuals, duration of their incarceration, the area where the individuals were released, or other related information included in the surveillance of formerly incarcerated citizens; to the extent non-public responsive records exist, without consent, proof of death, or an overriding public interest, disclosure of these records would invade another individual's personal privacy. See 5 U.S.C. § 552(b)(6). Additionally, to the extent non-public responsive records exist, without consent, proof of death, or an overriding public interest, disclosure of law enforcement records concerning an individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(7)(C). Finally, without consent, proof of death, or an overriding public interest, disclosure of law enforcement records

concerning the surveillance of individuals, would disclose techniques and procedures for law enforcement investigations or prosecutions and could reasonably be expected to endanger the life or personal safety of an individual. See 5 U.S.C. § 552 (b)(7)(E) and (b)(7)(F).

Because any non-public records responsive to your request would be categorically exempt from disclosure, this Office is not required to conduct a search for the requested records. BOP considered the foreseeable harm standard when applying FOIA exemptions.

This response is BOP's final response to your request, and we are closing your request. Please note without the consent of the appropriate third-party contractor, all publicly available substantive information can be located at the link provided. If you still request the actual contract, please write back to let us know within 30 days of the date of this letter. We will then reopen your request and place it back into the processing queue in the place where it would have been had this response not been sent. The substantive portions of the contracts BOP can release under FOIA will mirror the information publicly available. Please specify which portions of the contract you request BOP process under FOIA and any other records you seek. Please note requesting "any and all" records related to a contract does not permit BOP to conduct a search for responsive records. We require more specificity describing the records.

If you have questions about this response, please feel free to contact the undersigned, this office, or the BOP's FOIA Public Liaison, Ms. Kara Christenson, at: 202-616-7750 (phone); 320 First Street NW, Suite 936, Washington, DC 20534; or BOP-OGC-EFOIA-S@bop.gov.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; ogis@nara.gov; 202-741-5770 (phone); 1-877-684-6448 (toll free); or 202-741-5769 (fax).

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, DC 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink that reads "S. Raymond".

S. Raymond, for
Eugene E. Baime, Supervisory Attorney

Explanation of FOIA Exemptions Used by the Federal Bureau of Prisons

5 U.S.C. § 552(b)(1) protects classified information.

5 U.S.C. § 552(b)(2) concerns matters related solely to internal agency personnel rules or practices.

5 U.S.C. § 552(b)(3) concerns matters specifically exempted from release by statute.

5 U.S.C. § 552(b)(4) concerns trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

5 U.S.C. § 552(b)(5) concerns certain inter- and intra-agency communications protected by the deliberative process privilege, the attorney work-product privilege, and/or the attorney-client privilege.

5 U.S.C. § 552(b)(6) concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

5 U.S.C. § 552(b)(7)(A) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings.

5 U.S.C. § 552(b)(7)(B) concerns records or information compiled for law enforcement purposes the release of which would deprive a person of a right to a fair trial or an impartial adjudication.

5 U.S.C. § 552(b)(7)(C) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

5 U.S.C. § 552(b)(7)(D) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

5 U.S.C. § 552(b)(7)(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

5 U.S.C. § 552(b)(7)(F) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual.

5 U.S.C. § 552(b)(8) concerns matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

5 U.S.C. § 552(b)(9) concerns geological and geophysical information and data, including maps, concerning wells.