

Exhibit E



U.S. Immigration
and Customs
Enforcement

March 11, 2024

Mason Kortz
1557 Massachusetts Ave
Cambridge, Massachusetts 02138

RE: 2024-ICAP-00156, 2023-ICFO-41827

Dear Mr. Kortz:

This is in response to your email dated February 9, 2024, received the same day, appealing the U.S. Immigration and Customs Enforcement's (ICE) Freedom of Information Act (FOIA) Office's response to your FOIA request dated December 9, 2020¹ seeking records pertaining to the sharing of biometric data as per the following:

All biometric data sharing agreements between the United States and any foreign government.

On September 6, 2023 ICE FOIA contacted you and requested clarification of your request. On September 20, 2023 you responded and modified your request to the following:

1. The full text of any data sharing agreements between the United States and any foreign government, including but not limited to:
 - a. The full text of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities; and
 - b. The full text of any Memoranda of Cooperation regarding biometric data sharing with Guatemala, Honduras, or El Salvador.
2. Records describing any biometric database used in conjunction with any data sharing agreements and any other government, including but not limited to:
 - a. The schema or textual description of the structure of such databases;
 - b. The capabilities of such databases to determine the location of people on the move before, during, or after their visit to the United States; and
 - c. Steps taken to export data from such biometric databases, or otherwise make such biometric databases interoperable, for the purposes of sharing personal data of people on the move.

¹ Your initial FOIA response was submitted to Headquarters, Department of Homeland Security. ICE received a referral from that office on August 1, 2023. To note, Headquarters, DHS denied your request, 2023-HQFO-00448, also on August 1, 2023.

Mason Kortz
Page 2

3. Records describing DHS policies permitting, limiting, or prohibiting specific uses of biometric data of people on the move, including but not limited to DHS policies governing the use of biometric data in conjunction with other aggregated data of migrant populations.

Items (2) and (3) in this request may be limited to coming biometric data of people on the move from Mexico, Guatemala, Honduras, and El Salvador, or databases that contain such data.

By email dated November 15, 2023, the ICE FOIA Office informed you after a search of ICE Office of Regulatory Affairs and Policy (ORAP) and ICE Homeland Security Investigations (HSI) no records were found responsive to your request. In your most recent correspondence, you appealed the adequacy of the search conducted by ICE.

Upon a complete review of the administrative record and the search documentation, which led to the determination on the FOIA request, the search was adequate in all respects and was reasonably calculated to uncover all relevant documents. Therefore, ICE affirms the adequacy of the search conducted on the FOIA request.

Please note that the information you are seeking may be under the purview of the United States Department of State, the Department of Homeland Security (DHS) Office of Strategy, Policy, and Plans, DHS Office of International Affairs and/or DHS Office of Biometric Information Management. You may find more information about how to submit a FOIA request directly to the Department of State at <https://foia.state.gov/>. You may find more information about how to submit a FOIA request directly to DHS at <https://www.dhs.gov/foia>.

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 **2024-ICAP-00156**, and the FOIA case number, which is **2023-ICFO-41827**

Sincerely,

/s/ James McKeon

for Sara Jazayeri

Mason Kortz

Page 3

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

cc: The ICE FOIA Office