

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



U.S. Immigration
and Customs
Enforcement

July 30, 2019

John Templon
BuzzFeed News
111 East 18th Street, Newsroom
New York, NY 10003

RE: 2019-ICAP-00475, 2019-ICFO-02002

Dear Mr. Templon,

This is in response to your letter dated and received by U.S. Immigration and Customs Enforcement (ICE) on July 1, 2019, appealing the adverse determination of your Freedom of Information Act (FOIA) request by the ICE FOIA Office. Your original FOIA request, dated August 1, 2018, sought copies of the code implementing the Risk Classification Assessment (RCA).

By letter dated June 23, 2019, ICE FOIA advised that the records you sought were publicly available. You have appealed the ICE FOIA Office's response.

Please note that the links included in the ICE FOIA Office's June 23, 2019 letter not only were provided in error but also are not responsive to your request. Furthermore, as part of the initial processing of your request, a search of the ICE Office of Enforcement and Removal Operations (ERO) was conducted. Based upon the information you provided, the records you are seeking are law enforcement sensitive and are being withheld pursuant to FOIA Exemption 7(E).

FOIA Exemption 7(E) applies to information compiled for law enforcement purposes, such as investigative techniques and procedures, which are not well known to the public and that, if disclosed, could reasonably be expected to risk circumvention of the law. Such investigative techniques and procedures might include internal agency law enforcement investigative case numbers, internal database codes, and internal database URLs.

Therefore, upon a complete review of the administrative record, the search documentation, and the information withheld by ICE, it is determined that the search was adequate in all respects and was reasonably calculated to uncover all relevant documents. Furthermore, it is determined that 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.

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.

Exhibit M

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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 **2019-ICAP-00475**, and the FOIA case number, which is **2019-ICFO-02002**.

Sincerely,

A handwritten signature in black ink that reads "Lisa Tomany". The signature is written in a cursive style.

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