

# EXHIBIT X

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

December 11, 2018

Jake Laperruque, Esq.  
Project on Government Oversight  
1100 G. St, NW Suite 500  
Washington, DC 20005

**RE: 2019-ICAP-00085, 2018-ICFO-45230**

Dear Mr. Laperruque:

This is in response to your e-mail received by U.S. Immigration and Customs Enforcement (ICE) on September 18, 2018 appealing ICE's response to your Freedom of Information Act (FOIA) request. Your original FOIA request sought records concerning: "any communications between government officials and representatives of Amazon or AWS regarding facial recognition technology or Rekognition." The request further articulated "any procurement or contracting documents related to Rekognition or other real-time facial recognition tools, including but not limited to Requests for proposals, invoices and licensing agreements; any marking materials or other information describing real-time facial recognition tools such as Rekognition received by government officials, including but not limited to e-mails, advertisements, specification documents and presentations; any training or policy and procedures materials related to Rekognition or other real-time facial recognition tools; any records or analysis assessing accuracy of real-time facial recognition tools such as those provided by Amazon or AWS, or plans to audit and review accuracy of real-time facial recognition tools provided by Amazon or AWS."

A search of the ICE Office of Homeland Security Investigations (HSI) for records responsive to your request produced 3 pages that were responsive to your request. On September 18, 2018, the ICE FOIA Office released the 3 responsive pages to you, subject to partial withholdings pursuant to FOIA exemptions (b)(6) and (b)(7)(C).

By an e-mail dated September 18, 2018, you are appealing the adequacy of the agency's search. Specifically, you indicated that based on a follow-up e-mail dated September 27 from the ICE FOIA Office, a search of ERO was not conducted. Additionally, you acknowledged that ICE provided several e-mails from an Amazon vendor regarding the Rekognition software to HSI officials, but did not include any responses from the ICE employees.

Upon a complete review of the administrative record, ICE has determined that new search(s) or, modifications to the existing search(s), could be made. Therefore, ICE is remanding your request to

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the ICE FOIA Office for processing and re-tasking to the appropriate agency/office(s) to obtain any responsive documents. The ICE FOIA Office will respond directly to you.

Should you have any questions regarding this appeal, please contact ICE at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov). In the subject line of the email please include the word "Appeal," the appeal number **2019-ICAP-00085**, and the FOIA case number **2018-ICFO-45230**.

Sincerely,

*Alexandra Ellis*

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